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TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS AND AGREEMENTS

BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

1776–1909

COMPILED BY WILLIAM M. MALLOY
UNDER RESOLUTION OF THE SENATE OF JANUARY 18, 1909
(RES. No. 252, SIXTIETH CONGRESS, SECOND SESSION)

✓
U.S. Treaties, etc.

IN TWO VOLUMES

VOLUME I

WASHINGTON
GOVERNMENT PRINTING OFFICE
1910

PREFACE.

This compilation was prepared under the direction of the Committee on Foreign Relations, United States Senate, pursuant to the resolution of the Senate of January 18, 1909 (S. Res. 252, 60th Cong., 2d sess.), and contains treaties, conventions, international acts, important protocols and agreements by exchange of notes, whether in force or not, to which the United States has been a party from 1776 to and including the year 1909, together with other material pertaining to treaties, such as awards, a reference to every decision of the federal courts affecting treaties, a chronological list of treaties by countries, etc. Treaties and conventions that have become partially or completely abrogated, or suspended, are so indicated by a footnote at the beginning of such treaties and conventions. Those treaties or conventions, however, that from their nature have manifestly served the purpose for which they were concluded, such as those relating to claims, cession of territory, or which have expired by their own limitation, are not so indicated.

The conventions negotiated at the Second Conference of Peace held at The Hague during the year 1907, although not proclaimed until February 28, 1910, are included in the compilation, as the Senate had duly ratified them and the proclamations thereof by the President were waiting only the receipt from the Netherlands Government of the usual process of ratifications showing the states which deposited ratifications.

The United States was not a signatory party to the conventions concluded at the Central American Peace Conference, held at Washington in 1907, but as the conference met on the initiative of the Presidents of the United States of America and the United States of Mexico, and the treaties were concluded under the auspices of those two States, represented respectively in said conference by Mr. William I. Buchanan and Ambassador Don Enrique Creel, who were invited to be present at all the deliberations of the conference, the treaties referred to are included at the end of Volume II of this compilation.

The Department of State cooperated with the compiler in the preparation of this compilation, and the texts of all international arrangements to which the United States is a party, as well as all material data in reference to changes in, abrogations of, or adherences to the various instruments furnished by the Department of State, are included herein.

WILLIAM M. MALLOY.

COMMITTEE ON FOREIGN RELATIONS,
United States Senate.

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LIST OF PRESIDENTS.

Presidents.	Administration.	
	Began.	Ended.
George Washington	March 4, 1789	March 4, 1797.
John Adams	March 4, 1797	March 4, 1801.
Thomas Jefferson	March 4, 1801	March 4, 1809.
James Madison	March 4, 1809	March 4, 1817.
James Monroe	March 4, 1817	March 4, 1825.
John Quincy Adams	March 4, 1825	March 4, 1829.
Andrew Jackson	March 4, 1829	March 4, 1837.
Martin Van Buren	March 4, 1837	March 4, 1841.
William Henry Harrison	March 4, 1841	April 4, 1841.
John Tyler	April 4, 1841	March 4, 1845.
James K. Polk	March 4, 1845	March 4, 1849.
Zachary Taylor	March 4, 1849	July 9, 1850.
Millard Fillmore	July 9, 1850	March 4, 1853.
Franklin Pierce	March 4, 1853	March 4, 1857.
James Buchanan	March 4, 1857	March 4, 1861.
Abraham Lincoln	March 4, 1861	April 15, 1865.
Andrew Johnson	April 15, 1865	March 4, 1869.
Ulysses S. Grant	March 4, 1869	March 4, 1877.
Rutherford B. Hayes	March 4, 1877	March 4, 1881.
James A. Garfield	March 4, 1881	September 19, 1881.
Chester A. Arthur	September 19, 1881	March 4, 1885.
Grover Cleveland	March 4, 1885	March 4, 1889.
Benjamin Harrison	March 4, 1889	March 4, 1893.
Grover Cleveland	March 4, 1893	March 4, 1897.
William McKinley	March 4, 1897	September 14, 1901.
Theodore Roosevelt	September 14, 1901	March 4, 1909.
William H. Taft	March 4, 1909	

SECRETARIES OF STATE.

In the "Notes upon the foreign treaties of the United States," prepared by Hon. J. C. Bancroft Davis, and republished in the volume of Treaties and Conventions concluded between the United States and other Powers, Senate Executive Document No. 47, Forty-eighth Congress, second session, is given, in concise form, the history of the conduct of the foreign affairs of the United States up to the time of the establishment of the Department of State. From these notes the following statement has been gathered:

On the 29th of November, 1775, Congress appointed a "Committee of Secret Correspondence," whose duty it would be to correspond with the friends of the colonies in other parts of the world. From the date of the appointment of this committee until the autumn of 1781, the management of the foreign affairs of the country was in the hands of committees of Congress. Robert R. Livingston, of New York, was then appointed "their Secretary of Foreign Affairs," and took the oath of office on the 20th of October, 1781. Livingston resigned in June, 1783, and Elias Boudinot, the President of Congress, acted officially as Secretary in the interim.

General Thomas Mifflin was chosen President of Congress on the 3d of November, 1783, at the beginning of a new Congress, and as such succeeded to Boudinot as ad interim Secretary. John Jay was elected Secretary May 24, 1784, but did not qualify until December 21, 1784, and he remained the Secretary of Foreign Affairs until the adoption of the Federal Constitution. On September 15, 1789, the President approved "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes," in the first section of which it was provided "that the Executive Department denominated the Department of Foreign Affairs shall hereafter be denominated the Department of State, and the principal officer therein shall be called the Secretary of State." Jefferson was appointed Secretary of State September 26, 1789, but did not enter upon the duties of his office until March 21, 1790. Jay, notwithstanding he had been selected to be Chief Justice, continued to fill the office of Secretary until Jefferson entered upon its duties, although never commissioned as such under the new government.[a]

[a] "Compilation of treaties in force 1899."

The following list contains the names of the different Secretaries, the Presidents by whom appointed, and the dates of their respective commissions:

Secretaries of State.	Presidents.	Commissioned.
Thomas Jefferson, of Virginia	George Washington	September 26, 1789.
Edmund Randolph, of Virginia	do	January 2, 1794.
Timothy Pickering, of Pennsylvania (Secretary of War).	do John Adams	December 10, 1795.
John Marshall, of Virginia	do	May 13, 1800.
Levi Lincoln, of Massachusetts (Attorney-General), ad interim.	do	March 5, 1801.
James Madison, of Virginia	Thomas Jefferson	March 5, 1801.
Robert Smith, of Maryland	James Madison	March 6, 1809.
James Monroe, of Virginia	do	April 2, 1811.
Richard Rush, of Pennsylvania (Attorney-General), ad interim.	James Monroe	March 10, 1817.
John Quincy Adams, of Massachusetts	do	March 5, 1817.
Henry Clay, of Kentucky	John Quincy Adams	March 7, 1825.
James A. Hamilton, of New York, ad interim	do	March 4, 1829.
Martin Van Buren, of New York	Andrew Jackson	March 6, 1829.
Edward Livingston, of Louisiana	do	May 24, 1831.
Louis McLane, of Delaware	do	May 29, 1833.
John Forsyth, of Georgia	do Martin Van Buren	June 27, 1834.
J. L. Martin, of North Carolina, chief clerk), ad interim.	do	March 3, 1841.
Daniel Webster, of Massachusetts	William H. Harrison John Tyler	March 5, 1841.
Hugh S. Legaré, of South Carolina (Attorney-General), ad interim.	do	May 9, 1843.
William S. Derrick, of Pennsylvania (chief clerk), ad interim.	do	June 21, 1843.
Abel P. Upshur, of Virginia (Secretary of the Navy).	do	June 24, 1843.
John Nelson, of Maryland (Attorney-General), ad interim.	do	February 29, 1844.
John C. Calhoun, of South Carolina	do	March 6, 1844.
James Buchanan, of Pennsylvania	James K. Polk	March 6, 1845.
John M. Clayton, of Delaware	Zachary Taylor Millard Fillmore	March 7, 1849.
Daniel Webster, of Massachusetts	do	July 22, 1850.
Charles M. Conrad, of Louisiana (Secretary of War), ad interim.	do	September 2, 1852.
Edward Everett, of Massachusetts	do	November 6, 1852.
William Hunter, of Rhode Island (chief clerk), ad interim,	do	March 3, 1853.
William L. Marcy, of New York	Franklin Pierce	March 7, 1853.
Lewis Cass, of Michigan	James Buchanan	March 6, 1857.
William Hunter, of Rhode Island (chief clerk), ad interim.	do	December 13, 1860.
Jeremiah S. Black, of Pennsylvania	do	December 17, 1860.
William H. Seward, of New York	Abraham Lincoln Andrew Johnson	March 5, 1861.
Elihu B. Washburne, of Illinois	Ulysses S. Grant	March 5, 1869.
Hamilton Fish, of New York	do	March 11, 1869.
William M. Evarts, of New York	Rutherford B. Hayes	March 12, 1877.
James G. Blaine, of Maine	James A. Garfield Chester A. Arthur	March 5, 1881.
Frederick T. Frelinghuysen, of New Jersey	do	December 12, 1881.

Secretaries of State.	Presidents.	Commissioned.
Thomas F. Bayard, of Delaware	Grover Cleveland	March 6, 1885.
James G. Blaine, of Maine	Benjamin Harrison	March 5, 1889.
William F. Wharton, of Massachusetts (Assistant Secretary), ad interim.	do	June 4, 1892.
John W. Foster, of Indiana	do	June 29, 1892.
William F. Wharton, of Massachusetts (Assistant Secretary), ad interim.	do	February 24, 1893.
Walter Q. Gresham, of Illinois	Grover Cleveland	March 6, 1893.
Edwin F. Uhl, of Michigan (Assistant Secretary), ad interim.	do	May 28, 1895.
Richard Olney, of Massachusetts	do	June 8, 1895.
John Sherman, of Ohio	William McKinley	March 6, 1897.
William R. Day, of Ohio	do	April 26, 1898.
Alvey A. Adee, of the District of Columbia (Second Assistant Secretary), ad interim.	do	September 17, 1898.
John Hay, of the District of Columbia	do Theodore Roosevelt	September 20, 1898.
Elihu Root, of New York	do	July 7, 1905.
Robert Bacon, of New York	do	January 27, 1909.
Philander C. Knox, of Pennsylvania	William H. Taft	March 5, 1909.

CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, AGREEMENTS BY COUNTRIES, AND OF INTERNATIONAL ACTS, 1778–1909.

Country.	Subject.	Signed.	Proclaimed.	Page
Algiers	Peace and Amity	September 5, 1795	March 2, 1796	1
Algiers	Peace and Amity	June 30, 1815	December 26, 1815	6
Algiers	Peace and Amity	December 22, 1816	February 11, 1822	11
Argentine Republic.	Navigation of Rivers Parana and Uruguay.	July 10, 1853	April 9, 1855	18
Argentine Republic.	Friendship, Commerce, and Navigation.	July 27, 1853	April 9, 1855	20
Argentine Republic.	Extradition	September 26, 1896	June 5, 1900	25
Austria-Hungary	Commerce and Navigation	August 27, 1829	February 10, 1831	29
Austria-Hungary	Property and Consular Jurisdiction	May 8, 1848	February 25, 1850	33
Austria-Hungary	Extradition	July 3, 1856	December 15, 1856	36
Austria-Hungary	Agreement Concerning Tobacco	December 20, 1863		38
Austria-Hungary	Consular	July 11, 1870	June 29, 1871	39
Austria-Hungary	Naturalization	September 20, 1870	August 1, 1871	45
Austria-Hungary	Trade-marks	November 25, 1871	June 1, 1872	47
Austria-Hungary	Copyright Proclamation		September 20, 1907	49
Austria-Hungary	Arbitration	January 15, 1909	May 18, 1909	49
Baden	Extradition	January 30, 1857	May 19, 1857	51
Baden	Naturalization	July 19, 1868	January 10, 1870	53
Bavaria	Abolishing Droit de Baine and Taxes on Emigration.	January 21, 1845	August 16, 1846	56
Bavaria	Extradition	September 12, 1853	November 18, 1854	58
Bavaria	Naturalization	May 26, 1868	October 8, 1868	60
Bavaria	Protocol Relating to Naturalization.	May 26, 1868		62
Belgium	Commerce and Navigation	November 10, 1845	March 31, 1846	64
Belgium	Commerce and Navigation	June 17, 1858	April 19, 1859	69
Belgium	Import Duties and Capitalization of Scheldt Dues.	May 20, 1863	November 18, 1864	73
Belgium	Extinguishment of Scheldt Dues.	July 20, 1863	November 18, 1864	75
Belgium	Naturalization	November 16, 1868	July 30, 1869	80
Belgium	Rights, Privileges, and Immunities of Consuls.	December 5, 1868	March 7, 1870	81
Belgium	Trade-marks	December 20, 1868	July 30, 1869	86
Belgium	Extradition	March 19, 1874	May 1, 1874	87
Belgium	Commerce and Navigation	March 8, 1875	June 29, 1875	90
Belgium	Consular	March 9, 1880	March 1, 1881	94
Belgium	Extradition	June 13, 1882	November 20, 1882	100
Belgium	Trade-marks	April 7, 1884	July 9, 1884	104
Belgium	Copyright Proclamation		July 1, 1891	105
Belgium	Extradition	October 26, 1901	June 14, 1902	106
Belgium	Trade-marks in China	November 27, 1905		111
Bolivia	Friendship, Commerce, and Navigation.	May 13, 1858	January 8, 1863	113
Bolivia	Extradition	April 21, 1900	December 30, 1901	125
Borneo	Amity, Commerce, and Navigation.	June 23, 1850	July 12, 1854	130
Brazil	Amity, Commerce, and Navigation.	December 12, 1828	March 18, 1829	133

Chronological list of treaties, etc.—Continued.

Country.	Subject.	Signed.	Proclaimed.	Page
Brazil	Claims	January 27, 1849	January 19, 1850	144
Brazil	Trade-marks	September 24, 1878	June 17, 1879	146
Brazil	Extradition	May 14, 1897	April 30, 1903	146
Brazil	Claims	September 6, 1902		152
Bremen	Extradition	September 6, 1853	October 15, 1853	155
Brunswick and Luneburg.	Disposition of Property	August 21, 1854	July 30, 1855	156
Bulgaria	Reciprocity Proclamation		September 15, 1906	158
Central America.	Peace, Amity, Commerce, and Navigation.	December 5, 1825	October 28, 1826	160
Chile	Peace, Amity, Commerce, and Navigation.	May 16, 1832	April 29, 1834	171
Chile	Additional Peace, Amity, Commerce, and Navigation.	September 1, 1833	April 29, 1884	181
Chile	Macedonian Claims	November 10, 1858	Decemher 22, 1859	183
Chile	Claims	August 7, 1892	January 28, 1893	185
Chile	Copyright Proclamation		May 25, 1896	189
Chile	Claims	May 24, 1897		190
Chile	Claims	May 24, 1897	March 12, 1900	190
Chile	Extradition	April 17, 1900	May 27, 1902	192
China	Peace, Amity, and Commerce	July 3, 1844	April 18, 1846	196
China	Peace, Amity, and Commerce	June 18, 1858	January 26, 1860	211
China	Trade Regulations and Tariff	November 8, 1858		222
China	Claims	November 8, 1858		232
China	Trade, Consuls, and Emigration.	July 28, 1868	February 5, 1870	234
China	Immigration	November 17, 1880	October 5, 1881	237
China	Commercial Intercourse and Judicial Procedure.	November 17, 1880	October 5, 1881	239
China	Immigration	March 17, 1894	December 8, 1894	241
China	Open-door Policy, Exchange of Notes.	1899		244
China	Final Protocol at Conclusion of Boxer Troubles.	September 7, 1901		260
China	Commercial Relations	Octoher 8, 1903	January 13, 1904	261
China	New Agreement Concerning Whang Pu.	Septemher 27, 1905		290
China	Arbitration	October 8, 1908	April 6, 1909	290
Colombia	Amity, Commerce, and Navigation.	Octoher 3, 1824	May 31, 1825	292
Colombia	Peace, Amity, Navigation, and Commerce.	December 12, 1846	June 12, 1848	302
Colombia	Consular	May 4, 1850	December 5, 1851	314
Colombia	Claims	September 10, 1857	November 8, 1860	319
Colombia	Claims	February 10, 1864	October 19, 1865	321
Colombia	Extradition	May 7, 1888	February 6, 1891	323
Congo (Kongo)	Declaration	April 22, 1884		327
Congo (Kongo)	Recognition of Flag	April 22, 1884		327
Congo (Kongo)	Commerce and Navigation	January 24, 1891	April 2, 1892	328
Corea (Korea)	Peace, Amity, Commerce, and Navigation.	May 22, 1882	June 4, 1883	334
Costa Rica	Friendship, Commerce, and Navigation.	July 10, 1851	May 26, 1852	341
Costa Rica	Claims	July 2, 1860	November 11, 1861	346
Costa Rica	Copyright Proclamation		October 19, 1899	350
Costa Rica	Interoceanic Canal	December 1, 1900		351
Costa Rica	Arbitration	January 13, 1909	July 21, 1909	351
Cuba	Commercial Reciprocity	Decemher 11, 1902	December 17, 1903	353
Cuba	Supplementary Commercial Reciprocity.	January 26, 1903	December 17, 1903	357

Chronological list of treaties, etc.—Continued.

Country.	Subject.	Signed.	Proclaimed.	Page
Cuba	Agreement for Lease of Land for Coaling Station.	February 16, 1903		358
Cuba	Lease of Land for Coaling Station.	July 2, 1903		360
Cuba	Relations with	May 22, 1903	July 2, 1904	362
Cuba	Copyright Proclamation	November 17, 1903		365
Cuba	Supplementary Relations with	January 20, 1904	July 2, 1904	365
Cuba	Extradition	April 6, 1904	February 8, 1905	366
Cuba	Amendatory Extradition	December 6, 1904	February 8, 1905	371
Denmark	Friendship, Commerce, and Navigation.	April 26, 1826	October 14, 1826	373
Denmark	Claims	March 28, 1830	June 5, 1830	377
Denmark	Discontinuing Sound Dues	April 11, 1857	January 13, 1858	380
Denmark	Consular	July 11, 1861	September 20, 1861	383
Denmark	Naturalization	July 20, 1872	April 15, 1873	384
Denmark	Readmeasurement of Vessels	February 26, 1886		386
Denmark	Claims	December 6, 1888	May 24, 1899	387
Denmark	Trade-marks	June 15, 1892	October 12, 1892	389
Denmark	Copyright Proclamation		May 8, 1893	390
Denmark	Extradition	January 6, 1902	April 17, 1902	390
Denmark	Extradition Supplementary	November 6, 1905	February 19, 1906	395
Denmark	Industrial Designs and Models	June 22, 1906		396
Denmark	Trade-marks in China	March 19, 1907		399
Denmark	Arbitration	May 18, 1908	May 29, 1909	401
Dominican Republic.	Amity, Commerce, Navigation, and Extradition.	February 8, 1867	October 24, 1867	403
Dominican Republic.	Claims	January 31, 1903		414
Dominican Republic.	Collection and Application of the Customs Revenues.	February 8, 1907	July 25, 1907	418
Ecuador	Peace, Friendship, Navigation, and Commerce.	June 13, 1839	September 23, 1842	421
Ecuador	Claims	November 25, 1862	September 8, 1864	432
Ecuador	Naturalization	May 6, 1872	November 24, 1873	434
Ecuador	Extradition	June 28, 1872	December 24, 1873	436
Ecuador	Claims	February 28, 1893	November 7, 1894	438
Egypt	Commercial Agreement and Customs Regulations.	November 16, 1884	May 7, 1885	442
Ethiopia	Commercial Relations	December 27, 1903	September 30, 1904	466
France	Amity and Commerce	February 6, 1778		468
France	Alliance	February 6, 1778		479
France	Act Separate and Secret	February 6, 1778		482
France	Contract for Payment of Loans	July 16, 1782		483
France	Contract for New Loan	February 25, 1783		487
France	Consular	November 14, 1788		490
France	Peace, Commerce, and Navigation.	September 30, 1800	December 21, 1801	496
France	Preliminary and Secret Treaty Concerning Louisiana.	October 1, 1800		506
France	Cession of Louisiana	April 30, 1803	October 21, 1803	508
France	Payment for Louisiana	April 30, 1803	October 21, 1803	511
France	Claims	April 30, 1803	October 21, 1803	513
France	Navigation and Commerce	June 24, 1822	February 12, 1823	521
France	Separate Article	June 24, 1822	February 12, 1823	523
France	Claims and Duties on Wines and Cotton.	July 4, 1831	July 13, 1832	523
France	Extradition	November 9, 1843	April 13, 1844	526
France	Extradition, Additional Article	February 24, 1845	July 24, 1845	528
France	Consular	February 23, 1853	August 12, 1853	528
France	Extradition, Additional Article	February 10 1858	February 14, 1859	533

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France	Claims	January 15, 1880	June 25, 1880	535
France	Claims	July 19, 1882	December 29, 1882	539
France	Claims	February 18, 1883	June 25, 1883	540
France	Copyright		July 1, 1891	541
France	Commercial Agreement	May 28, 1898	May 30, 1898	542
France	Commercial Agreement, Amendatory.	August 20, 1902	August 22, 1902	543
France	Relations in Tunis	March 15, 1904	May 9, 1904	544
France	Trade-marks in China	October 3, 1905		545
France	Commercial Agreement	January 28, 1908		547
France	Arbitration	February 10, 1908	March 14, 1908	549
German Empire.	Consular	December 11, 1871	June 1, 1872	550
German Empire.	General Act Concerning Samoa	June 14, 1889	May 21, 1890	557
German Empire.	Settlement of Samoan Claims	November 7, 1899	March 8, 1900	557
German Empire.	Adjustment of Questions Concerning Samoa.	December 2, 1899	February 16, 1900	557
German Empire.	Copyright	January 15, 1892		557
German Empire.	Commercial Agreement	July 10, 1900	July 13, 1900	558
German Empire.	Trade-marks in Morocco	September 28, 1901		559
German Empire.	Trade-marks in China	December 6, 1905		560
German Empire.	Commercial Agreement	February 27, 1906		562
German Empire.	Commercial Agreement	April 27, 1907	May 2, 1907	563
German Empire.	Patents	February 23, 1909	August 1, 1909	578
Great Britain	Provisional Peace	November 30, 1782	April 11, 1783	580
Great Britain	Armistice, Cessation of Hostilities.	January 20, 1783		584
Great Britain	Definitive Peace	September 3, 1783	January 14, 1784	586
Great Britain	Amity, Commerce, and Navigation.	November 19, 1794	February 29, 1796	590
Great Britain	Explanatory to Article III of Treaty November 19, 1794.	May 4, 1796	May 9, 1796[a]	607
Great Britain	Explanatory to Article V, Treaty November 19, 1794.	May 15, 1798	June 5, 1798[a]	609
Great Britain	Payment of Indemnities and Settlement of Debts.	January 8, 1802	April 27, 1802	610
Great Britain	Peace and Amity	December 24, 1814	February 18, 1815	612
Great Britain	Commerce and Navigation	July 3, 1815	December 22, 1815	624
Great Britain	Naval Forces on Great Lakes	April 28, 1817	April 28, 1818	628
Great Britain	Fisheries, Boundary, and Restoration of Slaves.	October 20, 1818	January 30, 1819	631
Great Britain	Indemnity Under the Award of Emperor of Russia.	July 12, 1822	January 11, 1823	634
Great Britain	Indemnity for Slaves	November 13, 1826	March 19, 1827	641
Great Britain	Continuing in Force Article III of Treaty of 1818.	August 6, 1827	May 15, 1828	643
Great Britain	Commercial	August 6, 1827	May 15, 1828	645
Great Britain	Arbitration Northeastern Boundary.	September 29, 1827	May 15, 1828	646
Great Britain	Boundaries, Suppression of Slave Trade, and Extradition (Webster-Ashburton).	August 9, 1842	November 10, 1842	650
Great Britain	Boundary West of Rocky Mountains.	June 15, 1846	August 5, 1846	656
Great Britain	Ship Canal Connecting Atlantic and Pacific Oceans.	April 19, 1850	July 5 1850	659
Great Britain	Cession of Horseshoe Reef	December 9, 1850	July 5, 1850	663
Great Britain	Claims	February 8, 1853	August 20, 1853	664

[a] Ratified by Senate.

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Great Britain....	Suppression of African Slave Trade.	April 7, 1862.....	June 7, 1862.....	674
Great Britain....	Suppression of Slave Trade, Additional Articles.	February 17, 1863...	April 22, 1863.....	687
Great Britain....	Claims	July 1, 1863.....	March 5, 1864.....	688
Great Britain....	Declaration Approving Maps Under Treaty of 1846.	February 24, 1870...	.....	658
Great Britain....	Naturalization	May 13, 1870.....	September 16, 1870..	691
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Great Britain....	Naturalization	February 23, 1871...	May 5, 1871.....	698
Great Britain....	Claims, Fisheries, Navigation, and Boundary (Treaty of Washington).	May 8, 1871.....	July 4, 1871.....	700
Great Britain....	Meeting Places for Commission Under Treaty of 1871.	January 18, 1873....	April 15, 1873.....	722
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Great Britain....	Protocol in Reference to Treaty of 1871.	June 7, 1873.....	.....	726
Great Britain....	Protocol in Reference to Treaty of 1871.	May 28, 1874	.....	727
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Great Britain....	Original Modus Vivendi Concerning Fisheries.	February 15, 1888 ...	.....	738
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Great Britain....	Extradition	July 12, 1889	March 25, 1890.....	740
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Great Britain....	Modus Vivendi Respecting Fur-Seal Fisheries.	June 15, 1891.....	June 15, 1891.....	743
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Protection of Industrial Property	March 20, 1883	June 11, 1887	1935
Protection of Submarine Cables	March 14, 1884	May 22, 1885	1949
International Exchange of Documents	March 15, 1886	January 15, 1889	1959
Immediate Exchange of Documents	March 15, 1886	January 15, 1889	1962
Protocol Respecting Execution of Convention Relating to Protection of Submarine Cables.	May 21, 1886		1957
Declaration Interpreting Convention Relating to Protection of Submarine Cables.	December 1, 1886	May 1, 1888	1956
Protocol Putting Convention Relating to Protection of Submarine Cables into Effect.	July 7, 1887	May 1, 1888	1958
General Act for the Repression of the African Slave Trade.	July 2, 1890	April 2, 1892	1964
Deposit of Ratifications	February 2, 1892		1991
Formation of an International Union for the Publication of Customs Tariffs.	July 5, 1890	December 17, 1890	1996
Supplementary Industrial Property	April 15, 1891	June 22, 1892	1943
Adoption by the United States of the Additional Articles of the Geneva Convention as a Modus Vivendi During the War with Spain.	May 13, 1898		1912
Adhesion of the United States to the Convention Regulating the Importation of Liquors into Africa.	June 8, 1899	February 6, 1901	1993
First Hague Peace Conference Conventions:			
Pacific Settlement of Disputes	July 29, 1899	November 1, 1901	2016
Launching Projectiles	July 29, 1899	November 1, 1901	2032
Adaption to Maritime Warfare of the Principles of the Geneva Convention.	July 29, 1899	November 1, 1901	2035
Laws and Customs of War on Land	July 29, 1899	April 11, 1902	2042
Additional Act for the Protection of Industrial Property.	December 14, 1900	August 25, 1902	1945
Final Protocol Entered Into at the Conclusion of the Boxer Troubles in China in 1900.	September 7, 1901		2006
Convention between the United States and Other Powers on Literary and Artistic Copyrights.	January 27, 1902	April 9, 1908	2058
Arbitration of Pecuniary Claims	January 30, 1902	March 24, 1905	2062
International Sanitary Convention (Paris)	December 3, 1903	May 18, 1907	2066
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Exemption of Hospital Ships from Payment of Dues.	December 21, 1904	May 21, 1907	2135
International Institute of Agriculture	June 7, 1905	January 29, 1908	2140
New Agreement Between China and Certain Powers for the Whang-pu Conservancy.	September 27, 1905		2013

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General Act of the International Conference at Algeciras.	April 7, 1906	January 22, 1907	2157
International Red Cross Convention for the Amelioration of the Condition of Wounded of the Armies in the Field.	July 6, 1906	August 3, 1907	2183
Importation of Spirituous Liquors Into Africa	November 3, 1906	December 2, 1907	2205
Unification of the Pharmacopœial Formulas for Potent Drugs.	November 29, 1906		2209
International Office of Public Health	December 9, 1907	November 17, 1908	2214
Second Hague Peace Conference Conventions, 1907:			
I. Pacific Settlement of International Disputes.	October 18, 1907	February 28, 1910	2220
II. The Limitation of the Employment of Force for the Recovery of Contract Debts.	do	do	2248
III. Opening of Hostilities	do	do	2259
IV. The Laws and Customs of War on Land	do	do	2269
V. Rights and Duties of Neutrals in Land War.	do	do	2290
VIII. The Laying of Automatic Submarine Contact Mines.	do	do	2304
IX. Bombardment by Naval Forces in Time of War.	do	do	2314
X. The Adaption of the Principles of the Geneva Convention to Naval War.	do	do	2326
XI. Right of Capture in Naval War	do	do	2341
XIII. Rights and Duties of Neutral Powers in Naval War.	do	do	2352
XIV. Declaration Prohibiting the Throwing of Projectiles and Explosives from Balloons.	do	do	2366
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Signatures and Reservations, Second Peace Conference.	do	do	2386
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General Treaty of Peace and Amity	do		2392
Additional Treaty of Peace and Amity	do		2397
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Additional Protocol to the Convention for the Establishment of a Central American Court of Justice.	do		2405
Extradition Convention	do		2406
Convention for the Establishment of an International Central American Bureau.	do		2411
Convention for the Establishment of a Central American Pedagogical Institute.	do		2414
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ALGIERS.

1795.[a]

A Treaty of Peace and Amity Concluded this Present Day Jima Artasi, the Twenty-first of the Luna Safer, Year of the Hegira 1210, Corresponding with Saturday, the Fifth of September, 1795, Between Hassan Bashaw, Dey of Algiers, His Divan and Subjects, and George Washington, President of the United States of North America, and the Citizens of the Said United States.

Concluded September 5, 1795; ratification advised by Senate March 2, 1796.

Articles.

I. Amity.
II. Commercial intercourse.
III. Vessels not to be molested.
IV. Passports of vessels.
V. Persons on vessels of the United States.
VI. Stranded vessels of the United States.
VII. Sale of vessels of war.
VIII. Prizes.
IX. Sale of prizes.
X. United States prizes.
XI. Treatment of ships of war.
XII. Slaves.
XIII. Estates of citizens of United States.
XIV. Purchase of goods; payment of debts.
XV. Disputes.
XVI. Crimes.
XVII. Consuls.
XVIII. War.
XIX. Capture of citizens.
XX. Salute to vessels of war.
XXI. Free entry for consuls.
XXII. Declaration of war.

Article I.

From the date of the present treaty there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America and Hassan Bashaw, Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect.

Article II.

All vessels belonging to the citizens of the United States of North American shall be permitted to enter the different ports of the Regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our customs house that is paid by all nations at peace with this Regency; observ-

[a] This treaty was superseded by the treaty of 1815. Algiers having become a province of France in 1830, the treaties with that country became obsolete.

ing that all goods disembarked and not sold here shall be permitted to be re-embarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency without paying any duties whatever at the custom-house of this Regency.

Article III.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party shall be considered as inviolable, and shall be allowed to pass unmolested.

Article IV.

All ships of war belonging to this Regency, on meeting with merchant-vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the United States of North America, resident in this Regency, shall be permitted to proceed on her cruise unmolested; no passport to be issued to any ships but such as are absolutely the property of citizens of the United States, and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

Article V.

No commander of any cruiser belonging to this Regency shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess anything desired; neither shall they inflict any corporal punishment, or any way else molest them.

Article VI.

If any vessel belonging to the United States of North America shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency. All goods saved from the wreck shall be permitted to be re-embarked on board of any other vessel without paying any duties at the custom-house.

Article VII.

The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Article VIII.

Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the Regency then at sea, although they have not a passport; a certificate from the Consul Resident being deemed sufficient until such time they can procure such passport.

Article IX.

If any of the Barbary States at war with the United States of North America shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

Article X.

Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose of them without paying any duties on sale thereof. All vessels wanting provisions or refreshments shall be permitted to buy them at market price.

Article XI.

All ships of war belonging to the United States of North America, on anchoring in the ports of the Regency, shall receive the usual presents of provisions and refreshments gratis. Should any of the slaves of this Regency make their escape on board said vessels, they shall be immediately returned. No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

Article XII.

No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will, but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship by the cruisers of this Regency, having a regular passport specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize, as this Regency know their friends by their passports.

Article XIII.

Should any of the citizens of the United States of North America die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust until the party shall

appear who has a right to demand them, when they shall render an account of the property. Neither shall the Dey or Divan give hindrance in the execution of any will that may appear.

Article XIV.

No citizen of the United States of North America shall be obliged to purchase any goods against his will, but on the contrary, shall be allowed to purchase whatever it pleaseth him. The Consul of the United States of North America, or any other citizen, shall not be answerable for debts contracted by any one of their own nation, unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations he expects to have the preference given him, on his paying the same freight offered by any other nation.

Article XV.

Any disputes or suits at law that may take place between the subjects of the Regency and the citizens of the United States of North America shall be decided by the Dey in person, and no other. Any disputes that may arise between the citizens of the United States shall be decided by the Consul, as they are in such cases not subject to the laws of this Regency.

Article XVI.

Should any citizen of the United States of North America kill, wound or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America in the above predicament, escape prison, the Consul shall not become answerable for him.

Article XVII.

The Consul of the United States of North America shall have every personal security given him and his household. He shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consul shall have liberty and personal security given him to travel, wherever he pleases, within the Regency. He shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The Consul shall have leave to appoint his own dragoman and broker.

Article XVIII.

Should a war break out between the two nations, the Consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested on board of what vessel or vessels they shall think proper.

Article XIX.

Should the cruisers of Algiers capture any vessel having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

Article XX.

On a vessel of war belonging to the United States of North America anchoring in our ports, the Consul is to inform the Dey of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

Article XXI.

The Consul of the United States of North America shall not be required to pay duty for anything he brings from a foreign country for the use of his house and family.

Article XXII.

Should any disturbance take place between the citizens of the United States and the subjects of this Regency, or break any article of this treaty, war shall not be declared immediately, but everything shall be searched into regularly. The party injured shall be made reparation.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun., on the part of the United States of North America, agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable, which we, the Dey and Divan, promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity shall immediately be delivered up on her arrival in Algiers.

Vizir Hassan Bashaw.
Joseph Donaldson, Jun.

[Seal of Algiers stamped at the foot of the original treaty in Arabic.]

To all to whom these presents shall come or be made known:

Whereas the underwritten, David Humphreys, hath been duly appointed Commissioner Plenipotentiary by letters-patent, under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negociating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas, by instruc-

tions, given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, jun., did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceeding treaty sacred and inviolable:

Now know ye that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

[SEAL.] DAVID HUMPHREYS.

1815.[a]

TREATY OF PEACE AND AMITY.

Concluded June 30 and July 6, 1815; ratification advised by the Senate December 21, 1815; proclaimed December 26, 1815.

ARTICLES.

I. Amity, navigation and commerce.
II. Abolition of tribute.
III. Delivering of American citizens.
IV. Indemnification to American citizens.
V. Enemy's property.
VI. Citizens on board enemy's vessels.
VII. Passports to vessels.
VIII. Sufficiency of passports.
IX. Price of provisions.
X. Wrecks.
XI. Vessels in port.
XII. Most favored nation.
XIII. Responsibility of consuls.
XIV. Salute to vessels.
XV. Religious liberty; consuls.
XVI. Settlement of disputes.
XVII. Prisoners of war.
XVIII. Capture of vessels; prizes.
XIX. Settlement of disputes.
XX. Assault; trial; punishment.
XXI. Free entry for consuls.
XXII. Estates citizens of United States.

ARTICLE I.

There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties and on the terms of the most favored nations. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations, but when the grant is condi-

[a]Algiers having become a province of France in 1830 this treaty became obsolete.

tional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Article II.

It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

Article III.

The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

Article IV.

A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity concluded between the United States and the Dey of Algiers on the fifth of September, one thousand seven hundred and ninety-five.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American Consul residing at Algiers, the whole of a quantity of bales of cotton left by the late Consul-General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars

Article V.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Article VI.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the Consul of the United States residing at Algiers.

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[a] See treaty of 1816.

Article VII.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant-vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person, on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

Article VIII.

A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Article IX.

Vessels of either of the contracting parties putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

Article X.

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

ARTICLE XI.

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port she shall not be seized or attacked when it is in the power of the other party to protect her; and, when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

ARTICLE XII.

The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ARTICLE XIII.

The Consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

ARTICLE XIV.

On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the Consul of the United States or commanders of said ships be required to pay anything for the said Christians.

ARTICLE XV.

As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said States have never entered into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own dragoman and broker.

ARTICLE XVI.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war

be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievance in writing and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls and citizens and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Article XVII.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

Article XVIII.

If any of the Barbary States, or other powers at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

Article XIX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers shall be decided by the Dey in person, and no other.

Article XX.

If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the

country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

Article XXI.

The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

Article XXII.

Should any of the citizens of the United States of America die within the limits of the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hindrance in the execution of any will that may appear.

I certify the foregoing to be a true copy of a treaty of peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the Dey of that Regency on the 30th June, 1815.

On board the United States ship Guerriere, 6th July, 1815.

Wm. Shaler.

1816.[a]

Renewed Treaty of Peace and Amity.

Concluded December 22 and 23, 1816; ratification advised by the Senate February 1, 1822; proclaimed February 11, 1822.

Articles.

I. Amity; navigation and commerce.
II. Tribute.
III. Restitution of prisoners.
IV. Delivery of cotton.
V. Enemy's property.
VI. Subjects or citizens on board enemy's vessel.
VII. Passports to vessels.
VIII. Sufficiency of passports.
IX. Provisions; cargo.
X. Wrecks.
XI. Vessels in port.
XII. Most favored nation.
XIII. Responsibility of consuls.
XIV. Vessels of war.
XV. Religious liberty; consuls.
XVI. Settlement of disputes.
XVII. Prisoners of war.
XVIII. Capture of vessels; prizes.
XIX. Settlement of disputes.
XX. Assault; trial; punishment.
XXI. Free entry for consuls.
XXII. Estates citizens of United States.
Additional Article: Annulment of Article XVIII.

[a] Algiers having become a province of France in 1830 the treaty became obsolete.

The President of the United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing, the relations of peace and good understanding between the two powers, and for this purpose to renew the treaty of peace and amity which was concluded between the two States by William Shaler and Commodore Stephen Decatur, as Commissioners Plenipotentiary on the part of the United States, and His Highness Omar Pashaw, Dey of Algiers, on the 30th of June, 1815.

The President of the United States having subsequently nominated and appointed, by commission, the above-named William Shaler, and Isaac Chauncey, Commodore and Commander-in-Chief of all the Naval Forces of the United States in the Mediteranean, Commissioners Plenipotentiary, to treat with His Highness the Dey of Algiers for the renewal of the treaty aforesaid; and they have concluded, settled and signed the following articles:

ARTICLE I.

There shall be, from the conclusion of this treaty, a firm, perpetual, inviolable and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations; and if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when freely it is granted to such other nations, but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter or reject such conditions, in such manner as shall be most conducive to their respective interests.

ARTICLE II.

It is distinctly understood between the contracting parties that no tribute, either as biennial presents, or under any other form or name whatever, shall be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

ARTICLE III.

Relates to the mutual restitution of prisoners and subjects, and has been duly executed.

ARTICLE IV.

Relates to the delivery, into the hands of the Consul General, of a quantity of bales of cotton, &c., and has been duly executed.

ARTICLE V.

If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

Article VI.

If any citizens or subjects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any pretense whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property, by the Consul of the United States residing at Algiers.

Article VII.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passports, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made to the Consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of war belonging to the United States of America, on meeting a crusier belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessel but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretense whatever.

Article VIII.

A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure passports.

Article IX.

Vessels of either of the contracting parties putting into the ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and having occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

ARTICLE X.

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

ARTICLE XI.

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

ARTICLE XII.

The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels and seamen, the reciprocal rights of establishing Consuls in each country, the privileges, immunities and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ARTICLE XIII.

The Consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own country, unless he gives previously written obligations so to do.

ARTICLE XIV.

On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatever, captives in Algiers, make their escape and take refuge on board any of the said ships of war, they shall not be required back again, nor shall the Consul of the United States or commander of the said ship be required to pay anything for the said Christians.

ARTICLE XV.

As the Government of the United States has, in itself, no character of enmity against the laws, religion or tranquillity of any nation, and as the said States have never entered into any voluntary war or act of hostility except in defense of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising

from religious opinions shall ever produce an interruption of the harmony between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rights of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other by land and sea, and shall not be prevented from going on board any vessel they may think proper to visit; they shall likewise have the liberty to appoint their own dragoman and broker.

Article XVI.

In case of any dispute arising from the violation of any of the articles of this treaty no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the Government of that country shall state their grievance in writing, and transmit the same to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Article XVII.

If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

Article XVIII.

If any of the Barbary Powers, or other States at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

Article XIX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul

shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

Article XX.

If a citizen of the United States should kill, wound or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

Article XXI.

The Consul of the United States of America shall not be required to pay any customs or duties whatever on anything he imports from a foreign country for the use of his house and family.

Article XXII.

Should any of the citizens of the United States of America die within the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hinderance in the execution of any will that may appear.

Article additional and explanatory.

The United States of America, in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal, and in order to withdraw any obstacle which might embarrass him in his relations with other States, agree to annul so much of the eighteenth article of the foregoing treaty as gives to the United States any advantage in the ports of Algiers over the most favored nations having treaties with the Regency.

Done at the palace of the Government, in Algiers, on the 22d day of December, 1816, which corresponds to the third of the Moon Safar, year of the Hegira 1232.

Whereas the undersigned William Shaler, a citizen of the State of New York, and Isaac Chauncey, Commander in Chief of the Naval Forces of the United States stationed in the Mediterranean, being duly appointed Commissioners, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 24th day of August, A. D. 1816, for negotiating and concluding the renewal of a treaty of peace between the United States of America and the Dey and subjects of the Regency of Algiers, we, therefore, William Shaler and Isaac Chauncey, Commissioners as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done in the chancery of the Consulate General of the United States, in the city of Algiers, on the 23d day of December, in the year 1816, and of the independence of the United States the forty-first.

[SEAL.] WM. SHALER.
[SEAL.] I. CHAUNCEY.

[The signature of the Dey is stamped at the beginning and end of the treaty.]

ARGENTINE REPUBLIC.

(ARGENTINE CONFEDERATION.)

1853.

Treaty for the Free Navigation of the Rivers Paraná and Uruguay.

Concluded July 10, 1853; ratification advised by the Senate June 13, 1854; ratified by the President July 5, 1854; ratification exchanged December 20, 1854; proclaimed April 9, 1855.

Articles.

I. Free navigation.
II. Loading and unloading vessels.
III. Marking channels.
IV. Collection of dues.
V. Possession of Martin Garcia Island.
VI. War.
VII. Accession of other governments.
VIII. Most favored nation.
IX. Ratification.

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation. With this object they have named as their Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

Article I.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of

all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation.

ARTICLE II.

Consequently, the said vessel shall be admitted to remain, load and unload in the places and ports of the Argentine Confederation which are open for that purpose.

ARTICLE III.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

ARTICLE IV.

A uniform system shall be established by the competent authorities of the confederation, for the collection of the custom-house duties, harbor, lights, police and pilotage dues, along the whole course of the waters which belong to the Confederation.

ARTICLE V.

The high contracting parties, considering that the Island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluents of the river Plate, agree to use their influence to prevent the possession of the said island from being retained or held by any State of the river Plate, or its confluents, which shall not have given its adhesion to the principle of their free navigation.

ARTICLE VI.

If it should happen (which God forbid) that war should break out between any of the States, Republics or Provinces of the river Plate or its confluents, the navigation of the rivers Paraná and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead and cannon balls.

ARTICLE VII.

Power is expressly reserved to His Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay and the Oriental State of Uruguay to become parties to the present treaty, in case they should be disposed to apply its principles to the parts of the rivers Paraná, Paraguay and Uruguay, over which they may respectively possess fluvial rights.

ARTICLE VIII.

The principal objects for which the rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

ARTICLE IX.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by His Excellency the Provisional Director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation, for their approbation.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation, within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José de Flores, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.]	ROB'T C. SCHENCK.
[SEAL.]	JNO. PENDLETON.
[SEAL.]	SALVADOR MA. del CARRIL.
[SEAL.]	JOSÉ B. GOROSTIAGA.

1853.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

Concluded July 27, 1853; ratification advised by the Senate June 13, 1854; ratified by the President June 29, 1854; ratifications exchanged December 20, 1854; proclaimed April 9, 1855.

ARTICLES.

I. Amity.
II. Mutual freedom of commerce.
III. Most favored nation clause.
IV. No discriminating duties to be levied.
V. Navigation dues to be equal.
VI. Mutual privileges to vessels.
VII. Nationality of vessels.
VIII. Freedom to trade.
IX. Privileges of citizens; settling estates.
X. Exemptions from military service and forced loans; taxes.
XI. Diplomatic and consular agents.
XII. Privileges in time of war.
XIII. Mutual protection to citizens.
XIV. Ratification.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the two Governments, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signing to a treaty of friendship, commerce and navigation; for this purpose they have nominated their respective Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

Article II.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses, for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures and merchandise of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively. In like manner, the respective ships of war, and post-office or passenger packets of the two countries, shall have liberty, freely and securely, to come to all harbors, rivers and places to which other foreign ships of war and packets are, or may be, permitted to come; to enter into the same, to anchor and remain there and refit, subject always to the laws and usages of the two countries respectively.

Article III.

The two high contracting parties agree that any favor, exemption, privilege or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation or state, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other government, nation or state, shall have been gratuitous; or, in return for an equivalent compensation, if the concession shall have been conditional.

Article IV.

No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties of any article of the growth, produce or manufacture of the territories of the other contracting party, than are, or shall be, payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties, on the exportation of any article to the territories of the other, than such as are, or shall be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce or manufacture of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

ARTICLE V.

No other or higher duties or charges, on account of tonnage, light or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties on the vessels of the other, than those payable in the same ports on its own vessels.

ARTICLE VI.

The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States, or into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States or in vessels of the Argentine Confederation.

ARTICLE VII.

The contracting parties agree to consider and treat as vessels of the United States and of the Argentine Confederation all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two Governments, be recognized fully and *bona fide* as national vessels, by that country to which they respectively belong.

ARTICLE VIII.

All merchants, commanders of ships and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares or merchandise imported into, or exported from, the Argentine Confederation, as they shall see good, observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defense of their just rights, and they shall be at liberty to employ in all cases such advocates, attorneys or agents as they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

Article IX.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties and rights, as native citizens; and they shall not be charged, in any of those respects, with any higher imposts or duties than those which are paid, or may be paid, by native citizens, submitting, of course, to the local laws and regulations of each country respectively. If any citizen of either of the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to intervene in the possession, administration and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

Article X.

The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions or taxes, greater than those that are paid by native citizens of the contracting parties respectively.

Article XI.

It shall be free for each of the two contracting parties to appoint Consuls, for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the consulates of the respective Governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize, or in any way interfere with them.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions and immunities are, or shall be, granted to agents of the same rank, belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

ARTICLE XII.

For the better security of commerce between the United States and the Argentine Confederation, it is agreed that if, at any time, any interruption of friendly commercial intercourse, or any rupture, should unfortunately take place between the two contracting parties, the citizens of either of them, residing in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably and commit no offense against the laws; and their effects and property, whether intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the State in which such citizens may reside.

ARTICLE XIII.

The citizens of the United States, and the citizens of the Argentine Confederation, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons and properties, the full protection of the Government.

They shall not be disturbed, molested nor annoyed in any manner, on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local Government, interfering in no way with, but respecting the religion and customs of the country in which they reside. Liberty shall also be granted to the citizens of either of the contracting parties to bury those who may die in the territories of the other, in burial places of their own, which, in the same manner, may be freely established and maintained.

ARTICLE XIV.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from the date, and within three days by His Excellency the Provisional Director of the Argentine Confederation, who will also present it to the first Legislative Congress of the Confederation, for their approval.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José, on the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.] ROBERT C. SCHENCK.
[SEAL.] JNO. PENDLETON.
[SEAL.] SALVADOR MA. del CARRIL.
[SEAL.] JOSÉ B. GOROSTIAGA.

1896.

Extradition Convention.

Concluded September 26, 1896; ratification with amendments advised by Senate January 28, 1897; ratification advised February 5, 1900; ratified by President April 7, 1900; ratifications exchanged June 2, 1900; proclaimed June 5, 1900.

Articles.

I. Mutual delivery of the accused.
II. Extraditable crimes.
III. Nondelivery of citizens.
IV. Procedure.
V. Provisional detention.
VI. Political offenses.
VII. Limitations.
VIII. Offense for which to be tried.
IX. Articles in possession of accused.
X. Persons claimed by other countries.
XI. Expenses.
XII. Ratification; duration.

The President of the United States of America and the President of the Argentine Republic, interested in the improvement of the administration of justice and in the prevention of crime within their respective territories, have agreed to celebrate a treaty by which fugitives from justice will be, in determined circumstances, reciprocally delivered up, to which effect they have named as their plenipotentiaries, to wit:

The President of the United States of America, William I. Buchanan, their Envoy Extraordinary and Minister Plenipotentiary, to the Argentine Republic, and the President of the Argentine Republic, H. E. Señor Doctor Don Amancio Alcorta, Minister of Foreign Relations, who, after communicating to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article 1.

The Government of the United States of America and the Government of the Argentine Republic mutually agree to deliver up those persons found accused of, or convicted of having committed, in the territory of one of the high contracting parties, any of the crimes or offenses specified in the following article, who shall take refuge or be found within the territory of the other.

This will only take place when the evidence of criminality is of such a character that according to the laws of the country where the fugitive or person so accused is found, would legally justify his arrest and commitment for trial, if the crime or offense had been there committed.

Article 2.

Extradition will be granted for the following crimes and offenses.

1. Homicide (comprehending assassination, parricide, poisoning, infanticide, manslaughter, when voluntary), or the attempt to commit any of these crimes.
2. Arson.
3. Burglary, house-breaking, shop-breaking, robbery committed with violence, actual, attempted or threatened. Larceny of property of the value of two hundred dollars, or upwards.

4. Forgery, or the utterance of forged papers; the forgery of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, or falsifying of money, whether coin or paper, or of instruments of debt created by national, State, provincial or municipal Governments, or of coupons thereof, or of bank notes, or the utterance or circulation of these; the counterfeiting, falsifying or altering of seals of State.

6. Embezzlement of public moneys, committed within the jurisdiction of either of the high contracting parties by public functionaries or depositaries; embezzlement committed by one or more persons, hired or salaried, to the detriment of their employers or principals; where in either class of cases the embezzlement exceeds the sum of two hundred dollars.

7. Fraud, or breach of trust, committed by a bailee, banker, agent, factor, trustee, director, member or public officer of any company, when such act is punishable by the laws of both contracting parties, and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

8. Perjury, or subornation of perjury.

9. Rape, abduction, kidnapping and child-stealing.

10. Any act, committed with criminal intent, the object of which is to endanger the safety of any person travelling or being upon a railway.

11. Crimes and offenses committed at sea:

(*a*) Piracy by the law of nations.

(*b*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authorities of the ship.

(*c*) Wrongfully sinking or destroying a ship at sea, or attempting to do so.

(*d*) Assaults on board a ship at sea with intent to do serious bodily harm.

12. Trading in slaves when the offense is declared criminal by the laws of both countries.

In all cases the extradition of agents, participants or cooperators in any of the crimes or offenses enumerated herein, or attempts thereof, will be granted when the punishment fixed for the crime or offense is greater than one year's imprisonment.

ARTICLE 3.

In no case shall the nationality of the person accused be an impediment to his extradition, under the conditions stipulated by the present treaty, but neither Government shall be bound to deliver its own citizens for extradition under this Convention; but either shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE 4.

The requisition for extradition shall be made through the diplomatic agents of the high contracting parties or, in case of their defect, by the superior consular officers thereof, accompanied by a legalized copy of the sentence of the judge, or of the warrant of arrest; issued in the country where the crime or offense may have been committed, as also the depositions or other testimony by virtue of which the warrant of arrest was issued.

Besides the sentence of the judge, or the warrant of arrest, it will be necessary in the formal request for extradition, to accompany it with such evidence as may be necessary to establish the identity of the person demanded, together with a duly certified copy of the law applicable to the act charged, as shown by statute or judicial decision.

For the purpose of extradition the two high contracting parties will proceed, in accordance with this treaty, in conformity with the laws regulating judicial proceedings at the time being in force in the country to which the demand for extradition shall be directed.

ARTICLE 5.

In urgent cases the two high contracting parties may request, by mail or telegraph, the provisional arrest of the person accused and the retention of the objects relating to the crime or offense, in each case setting forth the existence of a sentence, or warrant of arrest, and clearly stating the nature of the crime or offense charged.

Such provisional detention will cease and the person held will be placed at liberty if the formalities for his extradition, in the required form set out in the preceding article, are not presented within two months, counting from the day of arrest.

ARTICLE 6.

Extradition will not be granted for a crime or offense of a political character nor for those connected therewith.

No person delivered up in virtue of this treaty can be tried, or punished, for a political crime or offense, nor for an act having connection therewith, committed before the extradition or surrender of such person.

In cases of doubt with relation to the present article, the decision of the judicial authorities of the country to which the demand for extradition is directed will be final.

ARTICLE 7.

Extradition will not be granted when the crime or offense charged, or for which the fugitive has been condemned, is found unpunishable, by reason of statutory limitation, in accordance with the laws of the country of asylum.

ARTICLE 8.

In no case can the person surrendered be held or tried in the country to which he has been surrendered for any crime other than that for which extradition was granted until he has returned, or had an opportunity to return, to the surrendering State.

This stipulation will not apply to crimes or offenses committed after extradition has taken place.

ARTICLE 9.

All articles at the time of apprehension in the possession of the person demanded, whether being the proceeds of the crime or offense

charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE 10.

If the individual claimed by one of the high contracting parties, in pursuance of the present treaty, shall also be claimed by one or several powers, on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE 11.

All expenses connected with the extradition of a fugitive, excepting the compensation of public officers who receive a fixed salary, will be borne by the State asking such extradition.

ARTICLE 12.

The present treaty shall take effect on the thirtieth day after the date of the exchange of the ratifications.

The ratifications of the present treaty shall be exchanged at Buenos Aires as soon as possible, and it shall remain in force for a period of six months after the date on which either of the contracting governments shall give notice to the other of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed this Treaty and affixed thereto their seals.

Done in duplicate, at the city of Buenos Aires, this twenty sixth day of September eighteen hundred and ninety six.

WILLIAM I. BUCHANAN [SEAL.]
AMANCIO ALCORTA [SEAL.]

AUSTRIA-HUNGARY.

1829.

Treaty of Commerce and Navigation.

Concluded August 27, 1829; ratification advised by the Senate February 10, 1830; ratified by the President February 11, 1830; ratifications exchanged February 10, 1831; proclaimed February 10, 1831.

Articles.

I. Liberty of commerce and navigation.
II. Shipping charges to be equal.
III. No discrimination in import duties.
IV. Application of two preceding articles.
V. Most favored nation treatment of products.
VI. Reciprocal right of vessels to export.
VII. Coastwise trade.
VIII. No discriminations against vessels.
IX. Most favored nation favors.
X. Consular officers authorized.
XI. Property of deceased persons.
XII. Duration.
XIII. Ratification.

(The period for the exchange of ratifications was extended, with the advice and consent of the Senate, by resolution of February 3, 1831, and the consent of the Emperor of Austria, expressed by his minister in the certificate of exchange of ratifications, February 10, 1831.)

The United States of America and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Martin Van Buren, their Secretary of State; and His Majesty the Emperor of Austria has conferred like powers on Lewis, Baron de Lederer, his said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ARTICLE II.

Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America, and, reciprocally, vessels of the United States arriving, either laden or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage and port charges, as well as to the fees and perquisites of public officers and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

All kinds of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are, to their full extent, applicable to Austrian vessels and their cargoes arriving in the ports of the United States of America; and,

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reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria of any article the produce or manufacture of the United States, than are or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

ARTICLE VI.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported or re-exported from the ports of the said United States in national vessels, may also be exported or re-exported therefrom in Austrian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kind of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported from Austrian ports in national vessels, may also be exported or re-exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same mechandise or produce had been exported or re-exported in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or of the other.

ARTICLE VII.

It is expressly understood and agreed that the coastwise navigation of both the contracting parties is altogether excepted from the operation of this treaty, and of every article thereof.

ARTICLE VIII.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation or agent, acting on their behalf or under their authority, in the pur-

chase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

Article IX.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Article X.

The two contracting parties hereby reciprocally grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

Article XI.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues, taxes or charges only, as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the Emperor of Austria, to prevent the emigration of his subjects.

Article XII.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XIII.

This treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Austria; and the ratifications shall be exchanged in the city of Washington, within twelve months from the date of the signature hereof,[a] or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

[SEAL.] M. VAN BUREN.
[SEAL.] L. BARON de LEDERER.

1848.

CONVENTION RELATIVE TO DISPOSAL OF PROPERTY AND CONSULAR JURISDICTION.

Concluded May 8, 1848; ratification advised and time for exchange of ratifications extended to July 4, 1850, by the Senate February 13, 1850; ratified by the President February 15, 1850; ratifications exchanged February 23, 1850; proclaimed February 25, 1850.

ARTICLES.

I. Disposal of personal property.
II. Disposal of real property held by deceased persons.
III. Protecting property of absent heirs.
IV. Consular privileges; deserters.
V. Duration.

The United States of America and His Majesty the Emperor of Austria having agreed to extend to all descriptions of property the exemption from dues, taxes or charges, which was secured to the personal goods of their respective citizens and subjects by the eleventh article of the treaty of commerce and navigation which was concluded between the parties on the 27th of August, 1829, and also for the purpose of increasing the powers granted to their respective Consuls by the tenth article of said treaty of commerce and navigation, have named for this purpose their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on James Buchanan, Secretary of State of the United States; and his Majesty the Emperor of Austria upon his Chargé d'Affaires to the United States, John George Hülsemann;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

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[a] This period was extended, with the advice and consent of the Senate, expressed in its resolution of February 3, 1831, and with the consent of the Emperor of Austria, expressed by his Minister in his certificate of the exchange of ratification, February 10, 1831.

ARTICLE I.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation or otherwise; and their heirs, legatees and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

ARTICLE II.

Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

ARTICLE III.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance.

ARTICLE IV.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The said Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply in writing to the competent tribunals, judges and officers, and shall demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and, on such claim being substantiated, the surrender shall not be refused.

Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. If, however, the deserter shall be found to have committed any crime or offense requiring trial, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article V.

The present treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

Article VI.[a]

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and of His Majesty the Emperor

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[a] *Resolution of the Senate of the United States, February* 13, 1850.

Whereas the time limited by the sixth article of the convention for the extension of certain stipulations contained in the treaty of commerce and navigation of August 27, 1829, between the United States of America and His Majesty the Emperor of Austria, concluded at the city of Washington the 8th May, 1848, has expired before the ratification of the said convention by the Senate: Be it, therefore,

Resolved, (*two-thirds of the Senators present concurring*,) That the Senate advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the 4th day of July next, whenever the same shall be offered by His Majesty the Emperor of Austria, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

Attest:

ASBURY DICKINS, *Secretary*.

of Austria; and the ratifications thereof shall be exchanged in Washington within the term of one year from the date of the signature thereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in the city of Washington, on the eighth day of May, one thousand eight hundred and forty-eight, in the seventy-second year of the independence of the United States of America, and in the fourteenth year of the reign of His Majesty the Emperor of Austria.

[SEAL.] JAMES BUCHANAN.
[SEAL.] HÜLSEMANN.

1856.[a]

EXTRADITION CONVENTION.

Concluded July 3, 1856; ratification advised by the Senate with amendment August 13, 1856; ratified by the President December 12, 1856; ratifications exchanged December 13, 1856; proclaimed December 15, 1856.

ARTICLES.

I. Extraditable crimes; proceedings.
II. Persons not to be delivered.
III. Persons committing crimes in country where found.
IV. Duration.
V. Ratification.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws of Austria forbid the surrender of its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part the United States of America, and on the other part His Majesty the Emperor of Austria, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries, to negotiate and conclude a convention; that is to say:

The President of the United States, William L. Marcy, Secretary of State; and His Majesty the Emperor of Austria, John George Chevalier de Hülsemann, his said Majesty's Minister Resident near the Government of the United States; who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

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[a] Federal cases: In re Baruch (41 Fed. Rep., 472), in re Adult (55 Fed Rep., 376).

ARTICLE I.

It is agreed that the United States and Austria shall, upon mutual requisitions by them or their ministers, officers or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive. The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first article committed anterior to the date thereof nor to any crime or offense of a political character.

ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE III.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE IV.

The present convention shall continue in force until the first of January, eighteen hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the

high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, 1858.

ARTICLE V.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of Austria, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at Washington, the third day of July, in the year of our Lord one thousand eight hundred and fifty-six, and of the Independence of the United States the eightieth.

[SEAL.] W. L. MARCY.
[SEAL.] HÜLSEMANN.

1863.

AGREEMENT CONCERNING ADMISSION OF TOBACCO.

Signed December 20, 1863.

Whereas, an informal Convention on the subject of the exportation of certain tobacco from the United States was, on the 23rd day of November last, concluded between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of the French, a copy of which Convention is hereunto annexed.[a]

It is hereby stipuated by and between Frederick W. Seward, Acting Secretary of State of the United States and Count Nicholas Giorgi, Minister Resident of His Majesty the Emperor of Austria, that the tobacco in this country, belonging to the Austrian Government, purchased and paid for prior to the 4th of March 1861, amounting to six hundred and twelve (612) hogsheads, or thereabouts, may be exported from places within the limits of the blockade, on conditions similar to those required for the exportation of tobacco belonging to the French government: but as it is not convenient for the Austrian Government to post any of its naval vessels for the purpose of superintending such exportation, it is farther stipulated that such exportation may be made under the superintendence of such of the vessels of the French navy as may be employed in superintending the exportation of the tobacco belonging to the Government of France.

Done at the City of Washington this 24th day of December, 1863.

F. W. SEWARD
N GIORGI

[a] Not annexed to original in State Dept.

1870.

Consular Convention.

Concluded July 11, 1870; ratification advised by the Senate December 9, 1870; ratified by the President December 19, 1870; time for exchange of ratifications extended by the Senate May 12, 1871; ratifications exchanged June 26, 1871; proclaimed June 29, 1871.

Articles.

I. Officers recognized.
II. Exemptions and immunities.
III. Exemptions as witnesses.
IV. Use of arms and flags.
V. Inviolability of archives
VI. Powers of acting officers.
VII. Vice-consuls and consular agents.
VIII. Applications to local authorities.
IX. Performance of notarial acts.
X. Authority as to shipping.
XI. Disputes between masters and crews.
XII. Deserters from ships.
XIII. Settlement of damages at sea.
XIV. Shipwreck proceedings.
XV. Most favored nation privileges.
XVI. Notice of death of intestates.
XVII. Duration; ratification.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, animated by the desire to define in a comprehensive and precise manner the reciprocal rights, privileges and immunities of the Consuls-General, Consuls, Vice-Consuls and Consular Agents (their Chancellors and Secretaries) of the United States of America and of the Austro-Hungarian Monarchy, and to determine their duties and their respective sphere of action, have agreed upon the conclusion of a consular convention, and for that purpose have appointed their respective Plenipotentiaries, namely: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the Emperor of Austria, Apostolic King of Hungary, Charles, Baron von Lederer, Knight of the Imperial and Royal Order of Leopold, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States of America, who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Each of the high contracting parties shall be at liberty to establish Consuls-General, Consuls, Vice-Consuls or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without also applying to every other Power. Consuls-General, Consuls and other Consular officers appointed and taking office according to the provisions of this article, in one or the other of the two countries, shall be free to exercise the right accorded them by the present convention throughout the whole of the district for which they may be respectively appointed. The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries. The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such

exequatur they shall be admitted at once and without interference by the authorities, Federal or State, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

Article II.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether federal, state or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges and assessments as other private individuals. They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside. If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

Article III.

Consuls-General, Consuls and their Chancellors, Vice-Consuls and Consular Officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except when, pursuant to law, the testimony of a consul may be necessary for the defence of a person charged with crime. In other cases the local court, when it deems the testimony of a Consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

Article IV.

Consuls-Generals, Consuls, Vice-Consuls and Consular Agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription: "Consulate-General", "Consulate", "Vice-Consulate" or "Consular Agency", as may be. They shall also be at liberty to hoist the flag of their country on the consular edifice, except when they reside in a city where the legation of their Government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

Article V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

ARTICLE VI.

In the event of incapacity, absence, or death of Consuls-General, Consuls, Vice-Consuls, their Consular Pupils, Chancellors or Secretaries, whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the consular functions, and they shall, for the duration of it, enjoy all the immunities, rights and privileges conferred upon them by the convention.

ARTICLE VII.

Consuls-General and Consuls shall have the power to appoint Vice-Consuls and Consular Agents in the cities, ports and towns within their consular districts, subject, however, to the approbation of the Government of the country where they reside. These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing Consul, under whose orders they are to be placed. They shall enjoy the privileges and liberties stipulated in this convention. To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II. shall not extend.

ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries may, in the exercise of their duties, apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also for the purpose of protecting the rights of their countrymen. Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any diplomatic representative of their country, to apply to the Government of the country where they reside.

ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls or Consular Agents of the two countries, also their chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own nation, of passengers on board of them, of merchants, or any other citizens of their own country. They shall have the power also to receive and verify, conformably to the laws and regulations of their country: 1st. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form, and verified. 2nd. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside. All such acts of agreement, and other instruments, and also copies thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular Agent under his official seals, shall be received in courts of justice as legal documents,

or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries. Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

Article X.

Consuls-General, Consuls, Vice-Consuls or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in despatching their vessels, and finally to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind. The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without previous notice to the consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice-Consuls or Consular Agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice of Consuls, Vice-Consuls or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

Article XI.

Consuls, Vice-Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation. The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance if required by the Consuls, Vice-Consuls or Consular Agents, and shall cause the arrest, temporary imprisonment and removal on board his own vessel of every person whose name is found on the muster-rolls or register of the ship or list of the crew.

ARTICLE XII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting Powers, and to have them sent on board or back to their native country. To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew. Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall, moreover, be granted to the said consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the consular authority until there may be an opportunity for sending them away. The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause. Should, however, the deserter have committed on shore an indictable offence, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed. The high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls or Consular Agents of their respective nation, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third Power are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

ARTICLE XIV.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice-Consuls or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice-Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States Consuls-General, Consuls, Vice-Consuls or Consular

Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters, shall be directed by Austro-Hungarian Consuls-General, Consuls, Vice-Consuls or Consular Agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew; also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

Article XV.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, also Consular Pupils, Chancellors and Consular Officers shall enjoy in the two countries all the liberties, prerogatives, immunities and privileges granted to functionaries of the same class of the most favored nation.

Article XVI.

In case of the death of a citizen of the United States in the Austro-Hungarian Monarchy, or of a citizen of the Austro Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

Article XVII.

The present convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of ten months, or sooner, if possible.[a]

[a] By resolution of the Senate the time for exchange of ratifications was extended three months.

In case neither of the contracting parties gives notice before the expiration of the said term of his intention not to renew this convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done in duplicate at Washington, the eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] LEDERER.

1870.

NATURALIZATION CONVENTION.

Concluded September 20, 1870; ratification advised by the Senate March 22, 1871; ratified by the President March 24, 1871; ratifications exchanged July 14, 1871; proclaimed August 1, 1871.

ARTICLES.

I. Requirements necessary.
II. Liability for prior offenses.
III. Former treaties continued.
IV. Resumption of former citizenship.
V. Duration.
VI. Ratification.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, His Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy, uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held

by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfilment of military duty: 1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army. 2d. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time. 3d. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a former citizen of the Austro-Hungarian Monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty.

Article III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part, and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said Governments on the 27th of August, 1839 [1829], and especially the stipulations of Article IV. of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

Article IV.

The emigrant from the one State, who, according to Article I., is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

Article V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Article VI.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by His Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two Legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.] JOHN JAY.
[SEAL.] BEUST.

1871.

Trade-Mark Convention.

Concluded November 25, 1871; ratification advised by the Senate January 18, 1872; ratified by the President January 27, 1872; ratifications exchanged April 22, 1872; proclaimed June 1, 1872.

Articles.

I. Mutual protection of trade-marks.
II. Registration.
III. Duration.
IV. Ratification.

The United States of America and his Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary, desiring to secure in their respective territories, a guarantee of property in trade marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria and Apostolic King of Hungary; the Count Julius Andrássy of Csik Szent Király and Kraszna Horka, His Majesty's Privy Counsellor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Order of St. Stephen, &c., &c., &c., who have agreed to sign the following articles.

ARTICLE I.

Every reproduction of trade-marks which in the countries or territories of the one of the contracting parties are affixed to certain merchandize to prove its origin and quality is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens. If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

ARTICLE II.

If the owners of trade marks, residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Patent Office at Washington and in the Chambers of Commerce and Trade in Vienna and Pesth.

ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

In case neither of the high contracting parties gives notice of its intention to discontinue this Convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

ARTICLE IV.

The ratifications of this present Convention shall be exchanged at Vienna within twelve months or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention as well in English as in German and Hungarian, and have affixed thereto their respective seals.

Done at Vienna the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-one, in the ninety-sixth year of the Independence of the United States of America, and in the twenty-third year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.] JOHN JAY.
[SEAL.] ANDRÁSSY.

1907.

Copyright.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Austria the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country:

Now, therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of Austria.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 20th day of September, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States of America the one hundred and thirty-second.

[seal.]

Theodore Roosevelt.

By the President:
Elihu Root
Secretary of State.

1909.

Arbitration Convention.

Signed January 15, 1909; ratification advised by the Senate January 20, 1909; ratified by the President March 1, 1909; ratifications exchanged at Washington May 13, 1909; Proclaimed May 18, 1909.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Ratification; duration.

The President of the United States of America and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, signatories of the Convention for the pacific settlement

of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article 19 of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude the following convention and for that purpose have appointed their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, Baron Ladislaus Hengelmüller de Hengervár, Grand Cross of the Orders of Leopold and Francis Joseph, 3rd Class Knight of the Order of the Iron Crown, His Majesty's Privy Counselor and Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the High Contracting Parties, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

It is understood that such special agreements on the part of the United States will be made by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the governments of the High Contracting Parties by an exchange of notes.

ARTICLE III.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged as soon as possible at Washington.

The present Convention shall remain in force for five years from the fifteenth day after the date of the exchange of the ratifications.

In testimony whereof the respective Plenipotentiaries have signed this Convention and have affixed thereto their seals.

Done in duplicate at Washington the 15th day of January, 1909.

ELIHU ROOT [SEAL]
HENGELMÜLLER [SEAL]

BADEN.

(*See* GERMAN EMPIRE.)

1857.

EXTRADITION CONVENTION.

Concluded January 30, 1857; ratification advised by the Senate March 12, 1857; ratified by the President March 23, 1857; ratifications exchanged April 21, 1857; proclaimed May 19, 1857.

ARTICLES.

I. Extraditable crimes; proceedings.
II. Persons not to be delivered.
III. Persons committing crimes in country where found.
IV. Duration.
V. Ratification.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and constitution of Baden do not allow its Government to surrender its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part the United States of America, and on the other part His Royal Highness the Grand Duke of Baden, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries to negotiate and conclude a convention; that is to say:

The President of the United States of America, Peter D. Vroom, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; and His Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, His said Royal Highness's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, &c., &c., &c.;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

It is agreed that the United States and Baden shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged

with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Nothing in this article contained shall be construed to extend to crimes of a political character.

Article II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

Article III.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

Article IV.

The present convention shall continue in force until the first of January, one thousand eight hundred and sixty; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and sixty.

ARTICLE V.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Baden; and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Berlin, the thirtieth day of January, one thousand eight hundred and fifty-seven, and the eighty-first year of the independence of the United States.

[SEAL.] P. D. VROOM.
[SEAL.] ADOLPH BAR. MARSCHALL de BIEBERSTEIN.

1868.

NATURALIZATION CONVENTION.

Concluded July 19, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged December 7, 1869; proclaimed January 10, 1870.

ARTICLES.

I. Requirements necessary.
II. Liability for prior offenses.
III. Former treaty continued.
IV. Resumption of former citizenship.
V. Duration.
VI. Ratification.

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries; that is to say:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden; and His Royal Highness the Grand Duke of Baden, his President of the Ministry of the Grand-Ducal House and of Foreign Affairs and Chamberlain, Rudolph von Freydorf;

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time, have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after

that time, have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.
2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.
3. If, having a leave of absence for an unlimited time or, belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions, other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

Article III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

Article IV.

The emigrant from the one State who, according to the first article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE VI.

The present convention shall be ratified by His Royal Highness the Grand Duke of Baden, and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Carlsruhe, the 19th July, 1868.

[SEAL.] GEORGE BANCROFT.
[SEAL.] v. FREYDORF.

BAVARIA.

(*See* GERMAN EMPIRE.)

1845.

CONVENTION ABOLISHING DROIT D'AUBAINE AND TAXES ON EMIGRATION.

Concluded January 21, 1845; ratification advised by the Senate, with amendment, March 15, 1845; ratified by the President March 18, 1845; ratifications exchanged November 4, 1845; proclaimed August 16, 1846.

ARTICLES.

I. Taxes abolished.
II. Disposal of real property.
III. Disposal of personal property.
IV. Protecting property of absent heirs.
V. Disputes as to inheritances.
VI. Emigration from Bavaria not affected.
VII. Ratification.

The United States of America and His Majesty the King of Bavaria, having agreed, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named, for this purpose, their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and His Majesty the King of Bavaria, upon Count Maximilian von Lerchenfeld-Kœfering, his Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Commander of the Royal Order of the Knights of St. George, of the Order for Merit in Civil Service of the Bavarian Crown, of St. Michael, Grand Cross of the Russian Imperial Order of St. Anne of the first class, of the Royal Prussian Order of the Red Eagle of the first class, Commander, Grand Cross of the Royal Swedish Order of the North Star, and Great Commander of the Royal Greek Order of the Saviour;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

Every kind of *droit d'aubaine*, *droit de retraite*, and *droit de détraction* or tax on emigration, is hereby, and shall remain, abolished between the two contracting parties, their States, citizens and subjects, respectively.

ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of *détraction.*

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their (real and[a]) personal property within the States of the other, by testament, donation or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said (real and[a]) personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws, and by the judges of the country where the property is situated.

ARTICLE VI.

But this convention shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by His Majesty the King of Bavaria, to prevent the emigration of his subjects.

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner if possible.

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[a] The words in parentheses are, in the original treaty, encircled in red ink.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in quadruplicate, in the city of Berlin, on the twenty-first day of January, one thousand eight hundred and forty-five, in the sixty-ninth year of the independence of the United States of America, and the nineteenth of the reign of His Majesty the King of Bavaria.

[SEAL.] HENRY WHEATON.
[SEAL.] GRAF v. LERCHENFELD.

1853.

EXTRADITION CONVENTION.[a]

Concluded September 12, 1853; ratification advised by the Senate with an amendment July 12, 1854; ratified by the President July 24, 1854; ratifications exchanged at London November 1, 1854; proclaimed November 18, 1854.

ARTICLES.

I. Extraditable crimes; proceedings.
II. Accession of other German States.
III. Persons not to be delivered.
IV. Persons committing crimes in country where found.
V. Duration.
VI. Ratification.

The United States of America and His Majesty the King of Bavaria, actuated by an equal desire to further the administration of justice, and to prevent the commission of crimes in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offenses hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Bavaria, Augustus Baron de Cetto, his said Majesty's Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Knight Commander of the Order for Merit of the Bavarian Crown and of the Order for Merit of St.

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[a] In re Thomas (12 Blatch., 370).

Michael, Knight Grand Cross of the Royal Grecian Order of our Saviour;

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

The Government of the United States and the Bavarian Government promise and engage, upon mutual requisitions by them or their ministers, officers or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the German Confederation which may hereafter declare its accession thereto.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE IV.

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty eight.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Bavaria, and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the twelfth day of September, one thousand eight hundred and fifty-three, and the seventy-eighth year of the independence of the United States.

[SEAL.] JAMES BUCHANAN.
[SEAL.] A. de CETTO.

1868.

NATURALIZATION TREATY.

Concluded May 26, 1868; ratification advised by the Senate June 29, 1868; ratified by the President July 17, 1868; ratifications exchanged September 18, 1868; proclaimed October 8, 1868.

ARTICLES.

I. Necessary requirements.
II. Liability for prior offenses.
III. Former convention continued.
IV. Resumption of former citizenship.
V. Duration.
VI. Ratification.

His Majesty the King of Bavaria and the President of the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the Kingdom of Bavaria, have resolved to treat on this subject, and have, for that purpose, appointed Plenipotentiaries to conclude a convention, that is to say:

His Majesty the King of Bavaria, Dr. Otto, Baron of Völderndorff, Councillor of Ministry; and the President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary;

Who have agreed to and signed the following articles:

ARTICLE I.

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

ARTICLE IV.

If a Bavarian, naturalized in America, renews his residence in Bavaria without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by His Majesty the King of Bavaria and by the President, by and with the advice and consent

of the Senate of the United States, and the ratifications shall be exchanged at Munich within twelve months from the date thereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

MUNICH, *the 26th, May*, 1868.

[SEAL.] GEORGE BANCROFT.
[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

PROTOCOL.

Done at Munich the 26th May, 1868.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I.

RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigenate, or, on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

II.

RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other State, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

III.

RELATING TO ARTICLE FOUR OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to the two Governments respectively by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfillment of their military duty cannot be admitted to a permanent residence in the land till they shall have become thirty-two years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian Government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and reciprocally an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty the King whether he will or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the State to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two Plenipotentiaries give each other mutually the assurance that their respective Governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[SEAL.] GEORGE BANCROFT.
[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

BELGIUM.

1845.[a]

Treaty of Commerce and Navigation.

Concluded November 10, 1845; ratification advised by the Senate March 26, 1846; ratified by the President March 30, 1846; ratifications exchanged March 30, 1846; proclaimed March 31, 1846.

Articles.

I. Commerce and navigation.
II. Tonnage duties, Belgian vessels.
III. Tonnage duties, United States vessels.
IV. Scheldt duty.
V. Exemption from duties.
VI. Coasting trade.
VII. Duties on direct imports.
VIII. Duties on indirect imports.
IX. Export duties.
X. Premiums and drawbacks.
XI. Importation of salt and fish.
XII. Nationality of vessels.
XIII. Cargoes for other countries.
XIV. Goods in warehouses.
XV. Most favored nation.
XVI. Shipwrecks.
XVII. Consuls.
XVIII. Transit duties.
XIX. Duration.
XX. Ratification.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring, with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have, to that effect, appointed as their Plenipotentiaries, namely:

The President of the United States, Thomas G. Clemson, Chargé d'Affaires of the United States of America to His Majesty the King of the Belgians; and His Majesty the King of the Belgians, M. Adolphe Dechamps, Officer of the Order of Leopold, Knight of the Order of the Red Eagle of the first class, Grand Cross of the Order of St. Michael of Bavaria, his Minister for Foreign Affairs, a member of the Chamber of Representants;

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed and concluded the following articles:

Article I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security

[a] This treaty was terminated August 20, 1858, by notice given by the Belgium Government.

and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatsoever than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other divisions or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatever than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever be its designation.

ARTICLE IV.

The restitution by Belgium of the duty levied by the Government of the Netherlands on the navigation of the Scheldt, in virtue of the third paragraph of the ninth article of the treaty of April nineteenth, eighteen hundred and thirty-nine, is guaranteed to the vessels of the United States.

ARTICLE V.

Steam vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys and light-houses.

ARTICLE VI.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nation.

ARTICLE VII.

Articles of every description, whether proceeding from the soil, industry or warehouses of Belgium, directly imported therefrom, into the ports of the United States, in Belgian vessels, shall pay no other or higher duties of import than if they were imported under the flag of said States.

And reciprocally, articles of every description directly imported into Belgium from the United States, under the flag of the said States, shall pay no other or higher duties than if they were imported under the Belgian flag.

It is well understood:

1st. That the goods shall have been really put on board in the ports from which they are declared respectively to come.

2d. That a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ARTICLE VIII.

Articles of every description, imported into the United States from other countries than Belgium, under the Belgian flag, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the most favored foreign nation, other than the flag of the country from which the importation is made. And reciprocally, articles of every description imported under the flag of the United States into Belgium, from other countries than the United States, shall pay no other or higher duties whatsoever than if they had been imported under the flag of the foreign nation most favored, other than that of the country from which the importation is made.

ARTICLE IX.

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE X.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the countries by the vessels of the other to any destination whatsoever.

ARTICLE XI.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE XII.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter or any other sufficient document, shall be recognized conformably with existing laws as national vessels in the country to which they respectively belong.

ARTICLE XIII.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon re-exportation, to any charges whatsoever other than those for the prevention of smuggling.

ARTICLE XIV.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other, while awaiting transit, re-exportation or entry for consumption. Such goods shall in no case be subject to higher warehouse charges or to other formalities than if they had been imported under the flag of the country.

ARTICLE XV.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege or immunity to any other State, which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation or its equivalent if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation and re-exportation of similar goods coming from any other foreign country.

ARTICLE XVI.

In cases of shipwreck, damages at sea or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XVII.

It is moreover agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of Belgium, and, reciprocally, the Consuls and Vice-Consuls of Belgium

in the ports of the United States, shall continue to enjoy all the privileges, protection and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice-Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

Article XVIII.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

Article XIX.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

Article XX.

This treaty shall be ratified and the ratifications shall be exchanged at Washington within the term of six months after its date, or sooner if possible; and the treaty shall be put in execution within the term of twelve months.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals.

Brussels, the tenth of November, eighteen hundred and forty-five.

[SEAL.] Thos. G. Clemson.

[SEAL.] Dechamps.

1858.[a]

Treaty of Commerce and Navigation.

Concluded June 17, 1858; ratification advised by the Senate March 8, 1859; ratified by the President April 13, 1859; ratifications exchanged April 16, 1859; proclaimed April 19, 1859.

Articles.

I. Freedom of commerce and navigation.
II. Duties payable by Belgian vessels.
III. Duties payable by United States vessels.
IV. Exemption of steam vessels from duties.
V. Coasting trade.
VI. No discrimination in duties.
VII. Export duties.
VIII. Premiums, drawbacks, etc.
IX. Fisheries excluded.
X. Nationality of vessels.
XI. Cargoes for other countries.
XII. Warehousing.
XIII. Most favored nation.
XIV. Shipwrecks.
XV. Consuls.
XVI. Transit duties.
XVII. Duration.
XVIII. Ratification.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and the people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely:

The President of the United States, Lewis Cass, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the Cross of Iron, Chevalier of the Order of Leopold, Chevalier of the Polar Star, his Chargé d'Affaires in the United States;

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

Article I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

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[a] This treaty was terminated July 1, 1875, by notice given by the Belgian Government.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV.

Steam-vessels of the United States and of Belgium engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys and light-houses.

ARTICLE V.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE VI.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

ARTICLE VII.

Articles of every description exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE VIII.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE IX.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE X.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE XI.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever other than those for the prevention of smuggling.

ARTICLE XII.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges or to other formalities than if they had been imported under the flag of the country.

ARTICLE XIII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties, respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be im-

ported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

ARTICLE XIV.

In cases of shipwreck, damages at sea or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XV.

It is, moreover, agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of Belgium, and, reciprocally, the Consuls and Vice-Consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said Consuls and Vice-Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew-list or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing and arresting such deserters, who shall, upon the requisition and at the expense of the Consul or Vice-Consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ARTICLE XVI.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

ARTICLE XVII.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that, after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

Article XVIII.

This treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty-eight.

[SEAL.] Lew. Cass.
[SEAL.] H. Bosch Spencer.

1863.[a]

Convention Relative to Import Duties and Capitalization of Scheldt Dues.

Concluded May 20, 1863; ratification advised by the Senate February 26, 1864; ratified by the President March 5, 1864; ratifications exchanged June 24, 1864; proclaimed November 18, 1864.

Articles.

I. Tonnage, port, pilot dues.
II. Salt.
III. Import duties.
IV. Capitalization of Scheldt dues.
V. Duration; ratification.

The President of the United States of America on the one side, His Majesty the King of the Belgians on the other side, having deemed it advantageous to complete, by new stipulations the treaty of commerce and navigation entered into by the United States and Belgium on the 17th day of July, 1858, have resolved to make a convention in addition to that arrangement, and have appointed for their Plenipotentiaries, namely:

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, Grand Cross of the Order of the Ernestine Branch of Saxony, of the Polar Star, of St. Maurice and St. Lazarus, of our Lady of the Conception of Villa Vicosa, of the Legion of Honor, of the White Eagle, &c., a member of the Chamber of Representatives, his Minister of Foreign Affairs:

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

Article I.

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangement:

1st. The tonnage dues levied in Belgian ports shall cease.

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[a] The articles of this treaty not transitory have been superseded by the treaty of 1875.

2d. Fees for pilotage in Belgian ports and in the Scheldt, in so far as it depends on Belgium, shall be reduced twenty per centum for sailing vessels, twenty-five per centum for vessels in tow, thirty per centum for steam-vessels.

3d. Port dues and other charges levied by the city of Antwerp shall be throughout reduced.

ARTICLE II.

In derogation to the ninth article of the treaty of the 17th of July, 1858, the flag of the United States shall be assimilated to that of Belgium for the transportation of salt.

ARTICLE III.

The tariff of import duties resulting from the treaty of the 1st of May, 1861, between Belgium and France, is extended to goods imported from the United States, on the same conditions with which it was extended to Great Britain by the treaty of the twenty-third of July, eighteen hundred and sixty-two.

The reduction made by the treaties entered into by Belgium with Switzerland on the eleventh of December, eighteen hundred and sixty-two, with Italy on the ninth of April, eighteen hundred and sixty-three, with the Netherlands on the 12th of May, eighteen hundred and sixty-three, and also with France on the twelfth of May, eighteen hundred and sixty-three, shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the reductions of import duties which may result from her subsequent treaties with other powers.

ARTICLE IV.

The United States, in view of the proposition made by Belgium to regulate, by a common accord, the capitalization of the Scheldt dues, consents to contribute to this capitalization under the following conditions:

a. The capital sum shall not exceed thirty-six millions of francs.

b. Belgium shall assume for its part one-third of that amount.

c. The remainder shall be apportioned among the other States, *pro rata* to their navigation in the Scheldt.

d. The proportion of the United States, to be determined in accordance with this rule, shall not exceed the sum of two millions seven hundred and seventy-nine thousand two hundred francs.

e. The payment of the said proportion shall be made in ten annual installments of equal amount, which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first installment shall be payable at Brussels, on the first day of April, eighteen hundred and sixty-four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event, the interest shall commence to run on the date of the first of April, eighteen hundred and sixty-four, above mentioned.

The Government of the United States reserves the right of anticipating the payment of the proportion of the United States.

The above-mentioned conditions for the capitalization of the Scheldt dues shall be inserted in a general treaty, to be adopted by a conference of the maritime States interested, and in which the United States shall be represented.

ARTICLE V.

The Articles I. and IV. of the present additional convention shall be perpetual; and the remaining articles shall, together with the treaty of commerce and navigation made between the high contracting parties on the seventeenth of July, eighteen hundred and fifty-eight, have the same force and duration as the treaties mentioned in Article III.

The ratifications thereof shall be exchanged with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Made in duplicate, and signed at Brussels the twentieth day of May, eighteen hundred and sixty-three.

[SEAL.] H. S. SANFORD.
[SEAL.] CH. ROGIER.

Declaration annexed to the additional convention signed this day between the United States and Belgium:

The Plenipotentiary of the United States having required that the attributions of the Consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian Government will continue that examination with the sincere intent to come to an agreement as early as may be possible.

Done at Brussels, in duplicate, the twentieth of May, eighteen hundred and sixty-three.

H. S. SANFORD.
CH. ROGIER.

1863.

CONVENTION FOR THE EXTINGUISHMENT OF THE SCHELDT DUES.

Concluded July 20, 1863; ratification advised by the Senate February 26, 1864; ratified by the President March 5, 1864; ratifications exchanged June 24, 1864; proclaimed November 18, 1864.

ARTICLES.

I. Scheldt dues extinguished.
II. Declaration by King of Belgium.
III. Tonnage and other dues.
IV. Payment by the United States.
V. Execution.
VI. Application.
VII. Ratification.

The United States of America and His Majesty the King of the Belgians, equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium, and to facilitate thereby the

development of trade and navigation, have resolved to conclude a treaty to complete the convention signed on the 20th of May, 1863, between the United States and Belgium, and have appointed as their Plenipotentiaries, namely:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident to His Majesty the King of the Belgians; and His Majesty the King of the Belgians, Mr. Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles:

Article I.

The high contracting parties take note of, and record:

1st. The treaty concluded on the twelfth of May, eighteen hundred and sixty-three, between Belgium and the Netherlands, which will remain annexed to the present treaty, and by which his Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt and its mouths, by the third paragraph of the ninth article of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, and His Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17,141,640 florins.

2d. The declaration made in the name of His Majesty the King of the Netherlands on the fifteenth of July, eighteen hundred and sixty-three, to the Plenipotentiaries of the high contracting parties, that the extinguishment of the Scheldt dues, consented to by his said Majesty, applies to all flags; that these dues can never be re-established under any form whatsoever; and that this suppression shall not affect in any manner the other provisions of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, which declaration shall be considered inserted in the present treaty, to which it shall remain also annexed.

Article II.

His Majesty the King of the Belgians makes, for what concerns him, the same declaration as to that which is mentioned in the second paragraph of the preceding article.

Article III.

It is well understood that the tonnage dues suppressed in Belgium, in conformity with the convention of the twentieth of May, eighteen hundred sixty-three, cannot be re-established, and that the pilotage dues and local taxes reduced under the same convention cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp, shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

ARTICLE IV.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues, and the manner, place and time of the payment thereof, reference is made by the high contracting parties to the convention of the twentieth May, eighteen hundred and sixty-three.

ARTICLE V.

The execution of the reciprocal engagements contained in the present treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the high contracting parties.

ARTICLE VI.

It is well understood, that the provisions of Article III. will only be obligatory with respect to the State which has taken part in, or those which shall adhere to, the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this treaty.

ARTICLE VII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels with the least possible delay.

In faith whereof the respective Plenipotentiaries have signed the same in duplicate, and affixed thereto their seals.

Done at Brussels, the twentieth day of July, eighteen hundred and sixty-three.

[SEAL.] H. S. SANFORD.
[SEAL.] CH. ROGIER.

[Translation.]

Treaty of May 12, 1863, *between Belgium and the Netherlands, annexed to the treaty of July* 20, 1863.

His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt and of its mouths, by paragraph three of the ninth article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their Plenipotentiaries:

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, Commander of the Order of Leopold, decorated with the Iron Cross, Commander of the Lion of the Netherlands, Chevalier Grand Cross of the Oaken Crown, Grand Cross and Commander of several other orders, his Envoy Extraordinary and Minister Plenipotentiary near to His Majesty the King of the

Netherlands. His Majesty the King of the Netherlands, M. Paul Van der Maesen de Sombreff, Chevalier Grand Cross of the Order of the Nichan Iftihar of Tunis, his Minister of Foreign Affairs; M. Jean Rudolphe Thorbecke, Chevalier Grand Cross of the Order of the Lion of the Netherlands, Grand Cross of the Order of Leopold of Belgium, and of many other orders, his Minister of Interior; and M. Gerard Henri Betz, his Minister of Finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:

ARTICLE I.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,141,640 florins of Holland, the dues levied upon the navigation of the Scheldt and of its mouths, by virtue of paragraph three of Article IX. of the treaty of 19th April, 1839.

ARTICLE II.

This sum shall be paid to the Government of the Netherlands by the Belgian Government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47¼ cents of the Netherlands, as follows:

One-third immediately after the exchange of ratifications, and the two other thirds in three equal installments, payable on the 1st May. 1864, 1st May, 1865, and 1st May, 1866. The Belgian Government may anticipate the above-named payments.

ARTICLE III.

From and after the payment of the first installment of one-third, the dues shall cease to be levied by the Government of the Netherlands.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum, in favor of the treasury of the Netherlands.

ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound, in what concerns the Scheldt, by treaties in force.

ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced 20 per cent. for sailing vessels, 25 per cent. for towed vessels, and 30 per cent. for steam vessels.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague within four months, or earlier if possible.

In faith whereof the Plenipotentiaries above named have signed the same and affixed their seals.

Done at the Hague, the 12th May, 1863.

[L. S.] Baron du Jardin.
[L. S.] P. Van Der Maesen de Sombreff.
[L. S.] Thorbecke.
[L. S.] Betz.

[Translation.]

Protocol of July 15, 1863, *annexed to the treaty of July* 20, 1863.

The undersigned Plenipotentiaries, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened with respect to the treaty concluded the 12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the Minister of the Netherlands to take a place in the conference.

The Plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his August Sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reëstablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839."

[L. S.] Baron Gericke d'Herwynen.

Brussels, *July* 15, 1863."

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

Baron Gericke d'Herwynen. [L. S.]
Baron de Hugel. [L. S.]
J. T. do Amaral. [L. S.]
M. Carvallo. [L. S.]
P. Bille Brahe. [L. S.]
D. Coello de Portugal. [L. S.]
H. S. Sanford. [L. S.]
Malaret. [L. S.]
Howard de Walden et Seaford. [L. S.]
Von Hodenberg. [L. S.]
Cte. de Montalto. [L. S.]
Man. Yrigoyen. [L. S.]
Vte. de Seisal. [L. S.]
Savigny. [L. S.]
Orloff. [L. S.]
Adalbert Mansbach. [L. S.]
C. Musurus. [L. S.]
Geffcken. [L. S.]
Ch. Rogier. [L. S.]
Bn. Lambermont. [L. S.]

1868.

Naturalization Convention.

Concluded November 16, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 10, 1869; proclaimed July 30, 1869.

Articles.

I. Recognition of naturalization.
II. Liability for prior offenses.
III. Exemption from military service.
IV. Resumption of former citizenship.
V. Duration
VI. Ratification.

The President of the United States of America and His Majesty the King of the Belgians, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Belgium, and from Belgium to the United States of America, have resolved to make a Convention on this subject, and have appointed for their Plenipotentiaries, namely:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

Article I.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

Article II.

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

Article III.

Naturalized citizens of either contracting party, who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

Article IV.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall

have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

ARTICLE V.

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by His Majesty the King of the Belgians, with the consent of Parliament; and the ratifications shall be exchanged at Brussels within twelve months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Made in duplicate at Brussels, the sixteenth of November, eighteen hundred and sixty-eight.

[SEAL.] H. S. SANFORD.
[SEAL.] JULES VANDER STICHELEN.

1868.[a]

CONVENTION CONCERNING THE RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULS.

Concluded December 5, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 8, 1869; proclaimed March 7, 1870.

ARTICLES.

I. Liberty to appoint consuls.
II. Exequatur.
III. Exemption from arrest.
IV. Evidence.
V. Arms and flags.
VI. Archives.
VII. Acting consuls.
VIII. Vice-consuls and consular agents.
IX. Applications to governments; authorities.
X. Depositions.
XI. Authority as to shipping.
XII. Deserters from ships.
XIII. Settlement of damages at sea.
XIV. Salvage.
XV. Estates of deceased persons.
XVI. Duration.

The President of the United States of America and His Majesty the King of the Belgians, recognizing the utility of defining the

[a] This treaty was terminated January 1, 1880, on notice given by the Belgian Government. Ex parte Van Hoven (4 Dill. 411); In re stupp (12 Blatch. 501); In re Wildenhus (28 Fed. Rep. 924).

rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose; accordingly, they have named:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives and immunities granted by this convention.

ARTICLE III.

Consular officers, citizens of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes it as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, state or municipal. If, however, they are citizens of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

ARTICLE IV.

No consular officer who is a citizen of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said consular officer to comply with this request without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses

in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Belgium, in the like cases.

ARTICLE V.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency" of the United States, or of Belgium, &c., &c. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country, when there is a legation there.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III. and IV.

ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Belgium, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE X.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies or translation duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

ARTICLE XI.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, state or municipal authorities or courts in the United States, nor any court or authority in Belgium shall, on any pretext, interfere in these differences.

ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may arrest the officers, sailors and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end the consuls of the United States in Belgium may apply to any of the competent authorities; and the consuls of Belgium in the United States may apply in writing to either the federal, state or municipal courts or authorities, and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three

months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country or citizen or subject of a third power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XIV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls-General, Consuls, and Vice-Consuls of the two countries, respectively, and, until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner if possible. In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain

in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Brussels, in duplicate, the fifth day of December, eighteen hundred and sixty-eight.

[SEAL.] H. S. SANFORD.
[SEAL.] JULES VANDER STICHELEN.

Protocol additional to the Convention signed December 5, 1868.[a]

The Plenipotentiaries of the President of the United States and of His Majesty the King of the Belgians, foreseeing that the exchange of ratifications cannot be made within the delay prescribed, by reason of circumstances independent of the will of the high contracting parties, have met this day, and have agreed to prolong the delay for two months.

Done at Brussels, the 1st of June, 1869.

[SEAL.] JULES VANDER STICHELEN.
[SEAL.] H. S. SANFORD.

1868.[b]

ADDITIONAL ARTICLE TO TREATY OF JULY 17, 1858, CONCERNING TRADE-MARKS.

Concluded December 20, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged June 19, 1869; proclaimed July 30, 1869.

Additional article: Counterfeiting; registration, etc.

The President of the United States of America and His Majesty the King of the Belgians, deeming it advisable that there should be an additional article to the treaty of commerce and navigation between them of the 17th July, 1858, have for this purpose named as their Plenipotentiaries, namely:

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., his Minister of Foreign Affairs:

Who, after having communicated to each other their full powers, have agreed to and signed the following:

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[a] The Senate of the United States, by its resolution of March 2, 1870, advised and consented to the exchanges of ratifications which had previously been made.

[b] This treaty terminated July 1, 1875.

ADDITIONAL ARTICLE.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged, to wit: the marks of citizens of the United States at Brussels, in the Office of the Clerk of the Tribunal of Commerce; and the marks of Belgian citizens at the Patent Office in Washington.

It is understood that if a trade-mark has become public property in the country of its origin it shall be equally free to all in the other country.

This additional article shall have the same duration as the before mentioned treaty of the 17th of July, 1858, to which it is an addition. The ratifications thereof shall be exchanged in the delay of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their seals.

Done at Brussels, in duplicate, the 20th of December, 1868.

[SEAL.] H. S. SANFORD.
[SEAL.] JULES VANDER STICHELEN.

1874.[a–b]

EXTRADITION CONVENTION.

Concluded March 19, 1874; ratification advised by the Senate March 27, 1874; ratified by the President March 31, 1874; ratifications exchanged April 30, 1874; proclaimed May 1, 1874.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Political offenses.
IV. Nondelivery of citizens.
V. Deferring extradition.
VI. Procedure.
VII. Expenses.
VIII. Duration; ratification.

The United States of America and His Majesty the King of the Belgians having judged it expedient with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction that persons convicted of, or charged with, the crimes hereinafter specified, and being fugitives from justice should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose,

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[a] This treaty was terminated November 18, 1882, on the exchange of ratifications of the treaty of 1882. [b] Federal Cases, Ex parte Van hauer (4 Dill., 411), In re Stupp (12 Blatch., 501), In re Vandervelpen (14 Blatch., 137).

and have appointed as their Plenipotentiaries: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the King of the Belgians, Maurice Delfosse, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

The Government of the United States and the Government of Belgium mutually agree to deliver up persons, who having been convicted of, or charged with any of the crimes specified in the following Article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this Convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal-code by the terms of parricide, assassination, poisoning and infanticide.

2. The attempt to commit murder.

3. The crimes of rape, arson, piracy and mutiny on board a ship whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony: and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or putting him in fear, and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly; and thefts committed with violence or by means of threats.

5. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or government acts.

6. The fabrication or circulation of counterfeit money either coin or paper, or of counterfeit public bonds, bank notes, obligations or, in general, anything being a title or instrument of credit; the counterfeiting of seals, dies, stamps and marks of state and public administrations, and the utterance thereof.

7. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.

8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers when the crime is subject to punishment by the laws of the place where it was committed.

ARTICLE III.

The provisions of this treaty shall not apply to any crime or offence of a political character nor to any crime or offence committed prior to the date of this treaty, except the crimes of murder and arson, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any crime committed previously to that for which his or their surrender is asked.

ARTICLE IV.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

ARTICLE V.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VI.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Belgium, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VII.

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ARTICLE VIII.

This Convention shall take effect twenty days after the day of the date of the exchange of ratifications, and shall continue in force during five years from the day of such exchange; but if neither party shall have given to the other six months' previous notice of its intention to terminate the same, the Convention shall remain in force five years longer, and so on.

The present Convention shall be ratified, and the ratifications exchanged at Brussels so soon thereafter as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the city of Washington, the 19th day of March, Anno Domini one thousand eight hundred and seventy-four.

[SEAL.] HAMILTON FISH.
[SEAL.] MAURICE DELFOSSE.

1875.

TREATY OF COMMERCE AND NAVIGATION.

Concluded March 8, 1875; ratification advised by the Senate March 10, 1875; ratified by the President March 16, 1875; ratifications exchanged June 11, 1875; proclaimed June 29, 1875.

ARTICLES.

I. Freedom of commerce and navigation.
II. Duties payable by Belgian vessels.
III. Duties payable by United States vessels.
IV. Coasting trade.
V. Import duties.
VI. Export duties.
VII. Premiums, drawbacks, etc.
VIII. Fisheries excluded.
IX. Nationality of vessels.
X. Cargoes for other countries.
XI. Warehousing.
XII. Most favored nation privileges.
XIII. Shipwrecks.
XIV. Transit duty.
XV. Trademarks.
XVI. Duration.
XVII. Ratification.

The United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely: the President of the United States, Hamilton Fish, Secretary of State of the United States; and His Majesty the King of the Belgians Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after having com-

municated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

ARTICLE I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges, whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage or, generally, other charges whatever, than are required from Belgian vessels, in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE V.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may

have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions than they would pay, or be subjected to, were they imported under the national flag.

ARTICLE VI.

Articles of every description exported by Belgian vessels, or by those of the United States of America from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE VII.

All premiums, drawbacks or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE VIII.

The preceding article is, however, not to apply to the importation of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE IX.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE X.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XI.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

Article XII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

In case either of the high contracting parties shall announce to the other its desire to terminate this Article, the operation and the obligation thereof shall cease and determine at the expiration of one year from the delivery of such notice, leaving however the remaining articles of the Treaty in force until terminated according to the provisions of Article XVI. hereinafter.

Article XIII.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

Article XIV.

Articles of all kinds, the transit of which is allowed in the United States, coming from or going to Belgium, shall be exempt from all transit duty in the United States.

Reciprocally, articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium. Such transit, whether in the United States or in Belgium, shall be subject, however, to such limitations as to the points between which the transit may be made, and to such regulations for the protection of the revenue and the prevention of withdrawal of the articles for consumption or use within the country through which the transit is made, as are or may be prescribed by or under the authority of the laws of the countries respectively.

Article XV.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise, to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged,

to wit: the marks of citizens of the United States, at Brussels, in the office of the Clerk of the Tribunal of Commerce; and the marks of Belgian citizens, at the Patent Office in Washington.

It is understood that if a trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country.

ARTICLE XVI.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVII.

This treaty shall be ratified, and the ratifications shall be exchanged at Brussels within the term of nine months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty in duplicate, and have affixed thereto their seals at Washington, the eighth day of March eighteen hundred and seventy-five.

[SEAL.] HAMILTON FISH.
[SEAL.] MAURICE DELFOSSE.

1880.[a]

CONSULAR CONVENTION.

Concluded March 9, 1880; ratification advised by the Senate with amendments June 15, 1880; ratified by the President June 25, 1880; time for exchange of ratifications extended by the Senate January 5, 1881; ratifications exchanged February 25, 1881; proclaimed March 1, 1881.

ARTICLES.

I. Officers authorized.
II. Privileges.
III. Exemptions.
IV. Testimony by consular officers.
V. Arms and flags.
VI. Inviolability of consulates.
VII. Acting officers.
VIII. Vice-consuls and consular agents.
IX. Applications to local authorities.
X. Performance of notarial acts.
XI. Authority as to shipping.
XII. Deserters from ships.
XIII. Settlement of damages at sea.
XIV. Shipwreck proceedings.
XV. Estates of deceased persons.
XVI. Duration: ratification.

The President of the United States of America and His Majesty the King of the Belgians, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two coun-

[a] Wildenhus Case (120 U. S. Rep., 1).

tries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The President of the United States, William Maxwell Evarts, Secretary of State; and His Majesty the King of the Belgians, Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

ARTICLE III.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to Consuls-General, Consuls, Vice-Consuls or Consular Agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a Consul-General, Consul, Vice-Consul or Consular Agent, who is a citizen of the State which ap-

pointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Belgium, in the like cases.

ARTICLE V.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices the arms of their nation, with this inscription: *Consulate-General*, or *Consulate*, or *Vice-Consulate*, or *Consular Agency of the United States* or of *Belgium*.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States or of Belgium, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III. and IV.

Article IX.

Consuls-General, Consuls, Vice-Consuls and Consular Agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Belgium, of the State, the province or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Belgium, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

Article X.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

Article XI.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the Consuls and Vice-Consuls or Consular Agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

Article XII.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request alone thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offence shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

Article XIII.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries. If, however, any inhabitant of the country or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Article XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls and Vice-Consuls of the two countries respectively, and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures

for the protection of persons and the preservation of wrecked property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

Article XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Article XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington as soon as possible within the period of six months. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Washington, in duplicate, the ninth of March, one thousand eight hundred and eighty.

[SEAL.] William Maxwell Evarts.
[SEAL.] Maurice Delfosse.

1882.[a]

Extradition Convention.

Concluded June 13, 1882; ratification advised by the Senate August 8, 1882; ratified by the President November 16, 1882; ratifications exchanged November 18, 1882; proclaimed November 20, 1882.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Offense for which to be tried.
IV. Political offenses.
V. Nondelivery of citizens.
VI. Deferring extradition.
VII. Procedure.
VIII. Expenses.
IX. Limitations.
X. Articles in possession of accused.
XI. Duration; ratification.

The United States of America and his Majesty the King of the Belgians, having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new Convention for that purpose, and have appointed, as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Théodore de Bounder de Melsbroeck, Commander of His Order of Leopold, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Belgium, mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offences specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal code by the terms of parricide, assassination, poisoning and infanticide.

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[a] This treaty was terminated June 14, 1902, on the exchange of ratifications of the treaty of 1901.

2. The attempt to commit murder.
3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
6. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.
7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts.
8. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank-notes, obligations, or in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps and marks of state and public administrations, and the utterance thereof.
9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.
10. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.
11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.
12. Reception of articles obtained by means of one of the crimes or offences provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

Article III.

A person surrendered under this conviction, shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He shall moreover not be tried or punished for any crime or offence provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article 7 of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in Article II., shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government, or against that of any member of his family when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offence or an act connected with such an offence.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VII.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offence, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in

the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

The President of the United States, or the proper executive authority in Belgium, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

Article VIII.

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

Article IX.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

Article XI.

The present convention shall take effect thirty days after the exchange of ratifications.

After it shall have taken effect, the convention of March 19, 1874, shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and French languages, and they have thereunto affixed their seals.

Done in duplicate, at the city of Washington, this thirteenth day of June, 1882.

[SEAL.] Fredk. T. Frelinghuysen.

[SEAL.] Thre. de Bounder de Melsbroeck.

1884.

Trade-Mark Convention.

Concluded April 7, 1884; ratification advised by the Senate June 12, 1884; ratified by the President July 7, 1884; ratifications exchanged July 7, 1884; proclaimed July 9, 1884.

Articles.

I. Mutual protection.
II. Requirements.
III. Duration; ratification.

The President of the United States of America and His Majesty the King of the Belgians, being desirous of securing reciprocal protection for the trade-marks and trade-labels of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their plenipotentiaries: The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and His Majesty the King of the Belgians, Théodore de Bounder de Melsbroeck, Commander of His Order of Leopold, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I.

Citizens of the United States in Belgium and Belgian citizens in the United States of America shall enjoy, as regards trade-marks and trade-labels, the same protection as native citizens, without prejudice to any privilege or advantage that is or may hereafter be granted to the citizens of the most favored nation.

Article II.

In order to secure to their marks the protection provided for by the foregoing article, the citizens of each one of the contracting parties shall be required to fulfil the law and regulations of the other.

Article III.

The present arrangement shall take effect, on the day of its official publication, and shall remain in force until the expiration of the twelve months following the notice, given by either of the contracting parties, of its desire for the cessation of its effects.

The ratifications of this Convention shall be exchanged at Washington as soon as possible within one year from this date.

In testimony whereof the respective Plenipotentiaries have signed this Convention in duplicate, in the English and French languages, and affixed thereto the seals of their arms.

Done at Washington the seventh day of April, in the year of our Lord, one thousand eight hundred and eighty-four.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] THRE. de BOUNDER de MELSBROECK.

1891.

COPYRIGHT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Belgium, France, Great Britain and the British possessions, and Switzerland, the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries:

Now, therefore, I, BENJAMIN HARRISON, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the citizens or subjects of Belgium, France, Great Britain, and Switzerland.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of July, one thousand eight hundred and ninety-one, and of the Inde-
[SEAL.] pendence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:
WILLIAM F. WHARTON,
Acting Secretary of State.

1901.

Extradition Convention.

Concluded October 26, 1901; ratification advised by Senate January 30, 1902; ratified by President June 13, 1902; ratifications exchanged June 14, 1902; proclaimed June 14, 1902.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Offense for which to be tried; third countries.
IV. Political offenses.
V. Nondelivery of citizens.
VI. Deferring extradition.
VII. Procedure.
VIII. Expenses.
IX. Limitations.
X. Articles in possession of accused.
XI. Ratification; duration.

The United States of America and His Majesty the King of the Belgians, having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States John Hay, Secretary of State of the United States; and

His Majesty the King of the Belgians, ——— Mr. Charles C. Wauters, Chargé d'Affaires ad interim of Belgium near the Government of the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Belgium mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offences specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal code by the terms of parricide, assassination, poisoning and infanticide.

2. The attempt to commit murder.

3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy, or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
6. Larceny; the crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.
7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign, or governmental acts.
8. The fabrication or circulation of counterfeit money either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or in general anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of State and public administrations, and the utterance thereof.
9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.
10. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and the amount of money or the value of the property embezzled is not less than two hundred dollars or one thousand francs.
11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.
12. Obtaining money, valuable securities or other property by false pretences, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs.
13. Kidnapping of minors.
14. Reception of articles obtained by means of one of the crimes or offences provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

Article III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He shall moreover not be tried or punished for any crime or offence provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article VII of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in Article II shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offence or an act connected with such an offence.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VII.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offence, a copy of the sentence of the court in which he may have been convicted authenticated under its seal, and

attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State stating that a request has been made by the Government of Belgium for the provisional arrest of a person convicted or accused of the commission therein of a crime or offence extraditable under the provisions of this convention, and upon complaint duly made that such crime or offence has been so committed, to issue his warrant for the apprehension of such person. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Government of Belgium will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure in conformity with law the provisional arrest of persons convicted or accused of the commission therein of crimes or offences extraditable under this convention. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

Article VIII.

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expense for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

Article IX.

Extraditions shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

Article XI.

The present convention shall take effect thirty days after the exchange of ratifications.

After it shall have taken effect, the convention of June 13, 1882, shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratification shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and French languages, and they have hereunto affixed their seals.

Done, in duplicate, at the City of Washington this 26 day of October 1901.

JOHN HAY [SEAL.]
WAUTERS. [SEAL.]

DECLARATION

The Senate of the United States, by its resolution of January 30, 1902, having given its advice and consent to the ratification of the extradition treaty between the United States and Belgium, signed at Washington on October 26, 1901, with the following amendment:

In Article II insert after the word "committed" the following: "and the amount of money or the value of the property embezzled is not less than two hundred dollars or one thousand francs," and the said amendment being acceptable to the Government of Belgium, the undersigned Plenipotentiaries before proceeding with the exchange of ratifications of the said treaty, and being duly authorized, have agreed to the following:

Extradition may not be granted for the offenses enumerated in paragraph 10, Article II, of the said treaty unless "the amount of money or the value of the property embezzled is not less than two hundred dollars or one thousand francs."

The present declaration shall have the same force and duration as the Extradition Treaty of which it forms an integral part.

Done in duplicate at Washington, the sixth day of June, 1902.

JOHN HAY
Secretary of State of the United States of America.

1905.

Protection of Trade-Marks in China.

Agreement effected by exchange of notes November 27, 1905.

November 27, 1905.

Mr. Chargé d'Affaires and dear Colleague: The Government of the United States being desirous of reaching an understanding with the Government of Belgium for the reciprocal protection against infringement in China by citizens of our respective nations of trade marks duly registered in the United States and Belgium, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Belgium which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Belgium in China as regards the protection from infringement of their trade marks duly registered in Belgium.

I have the honor to be, my dear Colleague, Your obedient servant,

W. W. Rockhill.

Mr. de Prelle de la Nieppe,
etc., etc., etc.

[Translation.]

November 27, 1905.

Mr. Minister: I have had the honor of receiving Your Excellency's note of this date regarding the mutual protection of Belgian and American trade marks in China.

It is stated in this communication that the Government of the United States of America has given such instructions to the American Consular Courts as are sufficient to insure the legal protection of trade marks the property of Belgian subjects which have been duly registered in the United States.

While acknowledging to Your Excellency the receipt of this communication I have the honor to inform you that the Royal Government in like manner guarantees in the Chinese Empire the protection of American trade marks duly registered in Belgium, if counterfeited by Belgian subjects.

The Royal Legation and the Consulates, Vice-Consulates and Consular Agencies in China are competent to take cognizance of actions brought before them in the matter.

I have informed our Consular representatives in China of the agreement arrived at between Belgium and the United States of America which is set forth by this interchange of correspondence between us.

I avail myself of this occasion to present to Your Excellency the assurance of my high esteem.

Edm. de Prelle.

His Excellency W. W. Rockhill,
etc., etc., etc.

PEKING, *January 22, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with Your Excellency on November 27, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of Belgium.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of November 27, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL.

To His Excellency
EDMOND DE PRELLE DE LA NIEPPE,
etc., etc., etc.

BOLIVIA.

(Bolivia and Peru; also Peru-Bolivia. Page 1375.)

1858.

Treaty of Peace, Friendship, Commerce, and Navigation.

Concluded May 13, 1858; ratification advised with amendments by the Senate June 26, 1860; amendments proposed by Constituent Assembly of Bolivia consented to by the Senate and time for exchange of ratifications extended February 3, 1862; ratified by the President February 17, 1862; ratifications exchanged November 9, 1862; proclaimed January 8, 1863.

Articles.

I. Mutual amity.
II. Most favored nation clause.
III. Freedom of trade; coasting trade; travel.
IV. Tonnage charges.
V. Nationality of Bolivian ships.
VI. Import and export duties.
VII. Liberty to trade.
VIII. Steam vessels in Bolivia.
IX. Asylum of ports, etc.
X. Assistance to shipwrecks.
XI. Captures by pirates.
XII. Property of decedents.
XIII. Protection to citizens.
XIV. Religious freedom.
XV. Freedom of navigation.
XVI. Neutral rights; free ships, free goods.
XVII. Contraband of war.
XVIII. Commerce permitted in case of war.
XIX. Delivery of contraband articles.
XX. Blockade.
XXI. Visitation and search.
XXII. Proof of nationality in case of war.
XXIII. Vessels under convoy.
XXIV. Adjudication of prizes.
XXV. Letters of marque forbidden.
XXVI. Navigation of the Amazon and La Plata.
XXVII. Tributaries of the Amazon and La Plata.
XXVIII. Rights of citizens in case of war.
XXIX. Confiscation forbidden.
XXX. Privileges to diplomatic and consular officers.
XXXI. Consular officers authorized.
XXXII. Exequaturs.
XXXIII. Consular exemptions.
XXXIV. Deserters from ships.
XXXV. Agreement for consular convention.
XXXVI. Duration; effect, etc., of treaty: ratification.

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation.

For this most desirable object the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction;

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

If either party shall hereafter grant to any other nation, its citizens or subjects, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

EXPLANATION.[a]

[As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian Government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to be overcome, such as the clearing out of rapids, &c., &c.]

ARTICLE III.

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens. The citizens of either republic may frequent with their vessels all the coasts, ports and places of the other where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

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[a]Amendment by the Senate accepted by Bolivia.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territory of either of the contracting parties—the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce, in the territories of either of the high contracting parties, paying only the custom-house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory, open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Article IV.

All kinds of produce, manufactures or merchandise of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favored nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage themselves their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VIII.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports by means of steam navigation, engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever of the same character.

It is furthermore understood between the two high contracting parties that the steam-vessels of either shall not be subject, in the ports of the other party, to any duties of tonnage, harbor, or other similar duties whatsoever than those that are or may be paid by any other association or company.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships and placing themselves in a situation to continue their voyage without obstacles or hinderance of any kind. And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damages in the seas, rivers or channels, within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever.

ARTICLE XI.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs

would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse on the same terms which are usual and customary with the natives of the country; for which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the accusations and sentences of the tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE XIV.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power or of several.

Article XVI.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies to both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable.

Article XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry-belts and clothes made up in the form and for a military use.

3d. Cavalry-belts, and horses, with their furniture.

4th. And, generally, all kinds of arms, offensive and defensive, and instruments of iron, steel, brass and copper, or any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places or ports only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XIX.

The articles of contraband before enumerated and classified which may be found in a vessel bound to an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the

ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they mutually agree that whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only; in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ships, as also

the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunals of either party shall pronounce judgment against any vessel, or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

No citizen of the Republic of Bolivia shall take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any Prince or State with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions or letters of marque he shall be punished according to their respective laws.

Article XXVI.

In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit, and invites, commercial vessels of all descriptions of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned or which may be sanctioned, by the national authorities of Bolivia, not inconsistent with the stipulations thereof.

Article XXVII.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials which they may introduce for use in the construction of said vessels.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light-house, police and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of Article III.

Article XXVIII.

If, by any fatality, (which cannot be expected, and which God forbid,) the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIX.

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXX.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree to grant to the Envoys, Ministers and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of Bolivia may find it proper to give to the Ministers and other public Agents of any other power shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXXI.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

ARTICLE XXXII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and having obtained their exequatur they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXXIII.

It is also agree that the Consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXIV.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ships' roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXVI.

The United States of America and the Republic of Bolivia, desiring to make as durable as circumstances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce and navigation, declare solemnly and agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be perpetual and permanently binding on both powers.

2d. If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

3d. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated, or infringed in any other mode whatever, it is expressly stipulated that

neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns and States.

The present treaty of peace, amity, commerce and navigation shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the National Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Bolivia, have signed and sealed these presents.

Done in La Paz, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] JOHN W. DANA.
[SEAL.] LUCAS M. de la TAPIA.

1900.

EXTRADITION CONVENTION.

Concluded April 21, 1900; ratification advised by Senate December 18, 1900; ratified by President August 2, 1901; ratifications exchanged December 23, 1901; proclaimed December 30, 1901.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Prior offenses.
IX. Property seized with fugitive.
X. Persons claimed by other countries.
XI. Expenses.
XII. Ratification; duration.

The United States of America, and the Republic of Bolivia, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Bolivia, and have appointed for that purpose the following representatives plenipotentiary.

The President of the United States to Dr. George H. Bridgman his Envoy Extraordinary and Minister Plenipotentiary to Bolivia, and the President of Bolivia to Dr. Eliodoro Villazón, his Minister of Foreign Relations, who, after having communicated to each other

their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Bolivia, mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, that this shall only be done upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary.
2. Arson.
3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money goods, documents or other property by violence or putting him in fear; burglary.
4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.
5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.
6. Embezzlement by public officers, embezzlement by persons hired or salaried, to the detriment of their employers where in either class of cases the embezzlement exceeds the sum of two hundred dollars; larceny.
7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $200.00 or B^{s} 500.00.
8. Perjury; subornation of perjury.
9. Rape, abduction; kidnapping.
10. Willful and unlawful destruction or obstruction of railroads which endangers human life.
11. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Bolivia by imprisonment at hard labor.

ARTICLE III.

Requisitions for the surrender of fugatives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Bolivia, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV.

Where the arrest and detention of fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Republic of Bolivia, the proper course shall be to apply to the Foreign Office which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if

he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized, which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: *Provided*, That the Government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and the delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: *Provided*, that the demanding government shall not be compelled to bear any expense for the

services of such public officers of the Government from which extradition is sought as receive a fixed salary; *And*, *provided*, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them, had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of the present Treaty shall be exchanged at La Paz as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and the Spanish languages, and have here unto affixed their seals.

Done in duplicate at the city of La Paz, Bolivia, this twenty first day of April of one thousand nine hundred.

GEORGE H. BRIDGMAN [SEAL.]
ELIODORO VILLAZÓN. [SEAL.]

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BORNEO.

1850.

Convention of Amity, Commerce, and Navigation.

Concluded June 23, 1850; ratification advised and time for exchange of ratifications extended by the Senate June 23, 1852; ratified by the President January 31, 1853; ratifications exchanged July 11, 1853; proclaimed July 12, 1854.

Articles.

I. Amity.
II. Liberty of commerce.
III. Protection to United States citizens.
IV. Freedom of imports and exports.
V. Tonnage on American ships; exemptions.
VI. No export duty on products of Borneo.
VII. Supplies for American ships of war.
VIII. Shipwrecks.
IX. Extraterritoriality in Borneo; ratification.

His Highness Omar Ali Saifeddin ebn Marhoum Sultan Mahomed Jamalel Alam and Bangiran Anak Mumin, to whom belong the government of the country of Bruni and all its provinces and dependencies, for themselves and their descendants on the one part, and the United States of America on the other, have agreed to cement the friendship which has long and happily existed between them, by a Convention, containing the following articles:

Article I.

Peace, friendship and good understanding shall from henceforward and forever subsist between the United States of America and His Highness Omar Ali Saifeddin, Sultan of Borneo, and their respective successors and citizens and subjects.

Article II.

The citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of His Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation; and the subjects of His Highness, the Sultan of Borneo, shall, in like manner, be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America as freely as the citizens and

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subjects of the most favored nation; and they shall enjoy in the United States of America all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the citizens or subjects of the most favored nation.

ARTICLE III.

Citizens of the United States shall be permitted to purchase, rent or occupy, or in any other legal way to acquire, all kinds of property within the dominions of His Highness the Sultan of Borneo; and His Highness engages that such citizens of the United States of America shall, as far as lies in his power, within his dominions, enjoy full and complete protection and security for themselves, and for any property which they may so acquire in future, or which they may have acquired already before the date of the present convention.

ARTICLE IV.

No article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Borneo; but the trade between the United States of America and the dominions of His Highness the Sultan of Borneo shall be perfectly free, and shall be subject only to the custom duties which may hereafter be in force in regard to such trade.

ARTICLE V.

No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of His Highness the Sultan of Borneo; and this fixed duty of one dollar per ton, to be levied on all American vessels, shall be in lieu of all other charges or duties whatsoever. His Highness, moreover, engages that American trade and American goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo.

ARTICLE VI.

His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness' dominions of any article, the growth, produce or manufacture of those dominions.

ARTICLE VII.

His Highness the Sultan of Borneo engages to permit the ships of war of the United States of America freely to enter the ports, rivers and creeks situate within his dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores and provisions as they may from time to time stand in need of.

ARTICLE VIII.

If any vessel under the American flag should be wrecked on the coast of the dominions of His Highness the Sultan of Borneo, His

Highness engages to give all the assistance in his power to recover for and deliver over to the owners thereof all the property that can be saved from such vessels. His Highness further engages to extend to the officers and crew and to all other persons on board of such wrecked vessels, full protection, both as to their persons and as to their property.

Article IX.

His Highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of His Highness' dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of His Highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation or hindrance on the part of any authority of Borneo, either before, during or after the litigation.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July, in the year one thousand eight hundred and fifty-four.

Done at the city of Bruni on this twenty-third day of June, anno Domini one thousand eight hundred and fifty, and on the thirteenth day of the month Saaban, of the year of the Hegira one thousand two hundred and sixty-six.

[SEAL.] Joseph Balestier,
[SEAL.] Omar Ali Saifeddin.

BRAZIL.

1828.[a]

Treaty of Amity, Commerce, and Navigation.

Concluded December 12, 1828; ratification advised by the Senate March 10, 1829; ratified by the President March 10, 1829; ratifications exchanged March 18, 1829; proclaimed March 18, 1829.

Articles.

I. Amity.
II. Favored nation clause.
III. Freedom of commerce and navigation; coasting trade.
IV. No discrimination on vessels.
V. Import and export duties.
VI. Freedom of trade.
VII. Embargoes.
VIII. Asylum in ports.
IX. Captures by pirates.
X. Shipwrecks.
XI. Disposal of property.
XII. Special protection.
XIII. Religious freedom.
XIV. Rights of neutrals.
XV. Neutral property under enemies' flag.
XVI. Contraband of war.
XVII. Trade with nonblockaded ports.
XVIII. Seizure of contraband articles.
XIX. Blockades.
XX. Visitation and search.
XXI. Ship's papers in case of war.
XXII. Vessels under convoy.
XXIII. Prize courts.
XXIV. Letters of marque forbidden.
XXV. Protection in case of war.
XXVI. Confiscation forbidden.
XXVII. Diplomatic officers.
XXVIII. Consular officers.
XXIX. Exequaturs.
XXX. Consular exemptions.
XXXI. Deserters from ships.
XXXII. Consular convention.
XXXIII. Duration; effect, etc.; ratification.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce and navigation.

For this most desirable object, the President of the United States has conferred full powers on William Tudor, their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil, on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bedchamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and

[a] By a notice given from the Emperor of Brazil this treaty "only for articles relating to commerce and navigation" was terminated December 12, 1841.

Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine;

Who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

Article I.

There shall be a perfect, firm and inviolable peace and friendship between the United States of America and their citizens and His Imperial Majesty, his successors and subjects, throughout their possessions and territories respectively, without distinction of persons or places.

Article II.

The United States of America and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and conventions which now exist, or may hereafter exist, between Brazil and Portugal, shall form an exception to this article.

Article III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Article IV.

They likewise agree that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country, can

be, from time to time, lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported, or reëxported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or reëxported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or reëxportation be made in vessels of the United States or of the Empire of Brazil. The Government of the United States, however, considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian when the proprietor and captain are subjects of Brazil and the papers are in legal form.

Article V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Empire of Brazil, respectively, than such as are payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

Article VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Article VII.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes or merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Article VIII.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Article IX.

All the ships, merchandise and effects belonging to the citizens or subjects of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, ports, bays or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of their respective Governments.

Article X.

When any vessel belonging to the citizens or subjects of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption.

Article XI.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods, whether by testament, or ab intestato, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper in all their trials at law.

ARTICLE XIII.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XIV.

It shall be lawful for the citizens and subjects of the United States of America and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports and havens of those who are enemies of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies; provided, however,

and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle and not of others.

ARTICLE XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

ARTICLE XVI.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast plates, coats of mail, infantry belts and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XVII.

All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places are only besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

ARTICLE XVIII.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all the other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XIX.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ARTICLE XX.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said

private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

Article XXII.

It is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy; and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article XXIII.

It is further agreed that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Article XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen or subject of the other contracting party shall accept a commission or letter of marque for the purpose of resisting or coöperating hostilely with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

Article XXV.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Article XXVI.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds nor in public or private banks, shall ever in any event of war or national difference be sequestrated or confiscated.

Article XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to their Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Empire of Brazil may find it proper to give the Ministers and public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Article XXVIII.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to ex-

cept those ports and places in which the admission and residence of such Consuls may not seem convenient.

Article XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commissions or patent, in due form, to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Article XXX.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens or subjects of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll or other public documents, that those men were part of said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

Article XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXIII.

The United States of America and the Emperor of Brazil, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall be in force for twelve years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, have signed and sealed these presents.

Done in the City of Rio de Janeiro, this twelfth day of the month of December, in the year of our Lord Jesus Christ one thousand eight hundred and twenty-eight.

[SEAL.]	W. Tudor.
[SEAL.]	Marquez de Aracaty.
[SEAL.]	Miguel de Souza Mello E Alvim.

1849.

Claims Convention.

Concluded January 27, 1849; ratification advised by the Senate January 14, 1849; ratified by the President January 18, 1850; ratification exchanged January 18, 1850; proclaimed January 19, 1850.

Articles.

I. Claims to be paid.
II. Brazil exonerated from responsibility.
III. Procedure.
IV. Time of payment.
V. Interest.
VI. Ratification.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to remove every cause that might interfere with the good understanding and harmony which now happily exists between them, and which it is so much the interest of both countries to maintain; and to come, for that purpose, to a definitive understanding, equally just and honorable to each, as to the mode of settling the long-pending questions arising out of claims of citizens of said States, have for the same appointed and conferred full powers, respectively, to wit:

The President of the United States of America, on David Tod, Envoy Extraordinary and Minister Plenipotentiary from the said States near the court of Brazil; and His Majesty the Emperor of Brazil, upon the most illustrious and most excellent Viscount of Olinda, of his Council, and of the Council of State, Senator and Grandee of the Empire, Grand Cross of the Order of Saint Stephen of Hungary, of the Legion of Honor of France, and of Saint Maurice and Saint Lazarus of Sardinia, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs;

Who, after exchanging their full powers, which were found in good and proper form, agreed to the following articles:

Article I.

The two high contracting parties, appreciating the difficulty of agreeing upon the subject of said reclamations, from the belief entertained by each—one of the justice of the claims, and the other of their injustice—and being convinced that the only equitable and honorable method by which the two countries can arrive at a perfect understanding of said questions is to adjust them by a single act, they mutually agreed, after a mature examination of these claims, and, in order to carry this agreement into execution, it becomes the duty of Brazil, to place at the disposition of the President of the United States the amount of five hundred and thirty thousand milreis, current money of Brazil, as a reasonable and equitable sum; which shall comprehend the whole of the reclamations, whatever may be their nature and amount and as full compensation for the indemnifications claimed by the Government of said States, to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two high contracting parties refrain from entering; it being left to the Government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among

them the aforesaid sum of five hundred and thirty thousand milreis as is may deem most proper.

ARTICLE II.

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the Government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

ARTICLE III.

In order that the Government of the United States may be enabled properly to consider the claims of the citizens of said States, they remaining, as above declared, subject to its judgment, the respective documents which throw light upon them shall be delivered by the Imperial Government to that of the United States, so soon as this convention shall receive the ratification of the Government of said States.

ARTICLE IV.

The sum agreed upon shall be paid by the Imperial Government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which His Majesty the Emperor of Brazil pledges himself to obtain the necessary funds at the next session of the legislature.

ARTICLE V.

The payment of the sum above named, of five hundred and thirty thousand milreis, shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next. The Imperial Government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

ARTICLE VI.

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital, or sooner if possible.

In faith of which we, Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, sign and seal the same.

Done in the city of Rio de Janeiro, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-nine.

[SEAL.] DAVID TOD.
[SEAL.] VISCONDE de OLINDA.

The amount of 530,000 milreis under the foregoing convention was paid by Brazil in satisfaction of claims made by United States citizens, and the amount was distributed by the United States.

1878.

Agreement Concerning Trade-Marks.

Concluded September 24, 1878; ratification advised by Senate January 20, 1879; proclaimed June 17, 1879.

The Government of the United States of America and the Government of His Majesty the Emperor of Brazil, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The citizens or subjects of the two High Contracting Parties shall have in the dominions and possessions of the other, the same rights as belong to native citizens or subjects, in everything relating to property in marks of manufacture and trade.

It is understood that any person who desires to obtain the aforesaid protection must fulfill the formalities required by the laws of the respective countries.

In witness whereof the undersigned duly authorized to this end, have signed the present agreement and have affixed thereto the seals of their arms.

Done in duplicate at Rio de Janeiro the twenty-fourth day of the month of September, one thousand eight hundred and seventy-eight.

[SEAL.] Henry Washington Hilliard.
[SEAL.] B. de Villa Bella.

1897.

Extradition Convention and Protocol.

Concluded, respectively, May 14, 1897, and May 28, 1898; ratification advised by Senate February 28, 1899; ratified by President February 13, 1903; ratifications exchanged April 18, 1903; proclaimed April 30, 1903.

Articles.

I. Delivery of the accused.
II. Extraditable crimes.
III. Political offences.
IV. Offence for which tried; third government.
V. Nondelivery of citizens.
VI. Extradition deferred.
VII. Person claimed by other countries.
VIII. Limitations.
IX. Property seized with fugitive.
X. Procedure.
XI. Provisional detention.
XII. Expenses.
XIII. Ratification; duration.

Protocol.

Modification of articles two, three, four, and nine.

The United States of America and the United States of Brazil, desiring to strengthen their friendly relations and to facilitate the administration of justice by the repression of crimes and offences committed in their respective territories and jurisdictions, have agreed

to celebrate a treaty of extradition and have nominated for that purpose the following plenipotentiaries:

The President of the United States of America, Mr. Thomas L. Thompson, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of Brazil;

and the President of the United States of Brazil, General Dionisio Evangelista de Castro Cerqueira, Minister of State for Foreign Relations;

who having made known their respective full powers, which have been found in good form, agree upon the following articles:

Article I.

The Government of the United States of America and the Government of the United States of Brazil mutually agree to deliver up the persons who, having been charged or convicted, as the authors of or accomplices in any of the crimes enumerated in the following article, committed in the jurisdiction of one of the contracting parties, seeks an asylum or be found within the territories of the other; provided, this shall only take place after such evidence of criminality as, according to the laws of the place where the person or fugitive so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had there been committed.

Article II.

Extradition shall be granted for the following crimes and offences:

1. Voluntary homicide, when such act is punishable in the United States of America, comprehending the crimes of poisoning and infanticide; murder; manslaughter.
2. Abortion.
3. Rape and other offences against chastity committed with violence.
4. Bigamy.
5. Abduction, willfully and wrongfully depriving any person of natural liberty.
6. Kidnapping or child stealing.
7. Arson.
8. Piracy, by statute or by the law of nations when the state in which the offender is found has no jurisdiction; revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master; to willfully and wrongfully cause shipwreck; to wrongfully and willfully collide with a vessel; to wrongfully and willfully scuttle a vessel for the purpose of sinking it; to wrongfully and willfully destroy a vessel on the high seas.
9. Wrongful and willful destruction or obstruction of railroads which endangers human life.
10. Counterfeiting, falsifying or altering money of any kind, or of legally authorized bank notes which circulate as money; to utter or to give circulation to any such counterfeited, falsified or altered money; the falsification of instruments of debt created by national, state or municipal governments, or of the coupons thereof; counterfeiting, falsifying or altering seals of the federal or state governments; to knowingly use any such instruments or papers.

11. Forgery, the utterance of forged papers; forgery or falsification of official acts of government, of public authorities, or of courts of justice, of public or private instruments; the use or the utterance of the thing forged or falsified.

12. Perjury, or to bear false witness; to suborn or bribe a witness.

13. Fraud committed by a depositor, banker, agent, broker, treasurer, director, member or employe of any company or corporation.

14. Embezzlement, consisting in the misappropriation or theft of public moneys, committed in the jurisdiction of one of the contracting parties, by a public officer or depositary.

15. Embezzlement, or theft of moneys, committed by persons salaried or employed, to the detriment of those who employ them.

16. Burglary, defined to be the act of entering during the night, by breaking or climbing, the dwelling-house of another, with intent to commit a felony; robbery, defined to be the act of feloniously and forcibly taking from another money or goods of any value, by violence, or putting in fear, and known in the Brazilian Penal Code as *roubo*.

17. Complicity in or attempts at the commission of any of the crimes specified in the preceding sections, provided that such complicity or attempt be punishable by the laws of the country from whence the extradition is demanded.

Article III.

Extradition shall not be granted if the offence on which the surrender is demanded be of a political character, or if the fugitive prove that there is an intention to try or punish him for a political crime; nor if the circumstances on which extradition is demanded are connected with political crimes.

The Government from which extradition is demanded will examine the circumstances, to ascertain whether the crime be of a political character, and its decision shall be definite.

The following shall not be considered political crimes when they are unconnected with political movements, and are such as constitute murder, or willful and illegal homicide, as provided for in section 1 of the preceding article:

1. An attempt against the life of the President of the United States of America, or against the life of the Governor of any of the States; an attempt against the life of the President of the United States of Brazil, or against the life of the President or Governor of any of the States thereof;

2. An attempt against the life of the Vice-President of the United States of America, or against the life of the Lieutenant-Governor of any of the States; an attempt against the life of the Vice-President of the United States of Brazil, or against the life of the Vice President or Vice Governor of any of the States thereof.

Article IV.

The person surrendered cannot be tried nor punished in the country which has obtained the extradition, nor be surrendered to a third country, for trial or punishment therein, for any crime or offence not mentioned in this treaty, nor for one committed previous to extra-

dition, other than the crime or offence for which he was extradited, unless such person has been in either case at liberty to leave the country which has obtained the extradition for a month subsequent to trial therein.

Furthermore, such person shall not be tried nor punished for an offence or crime mentioned in this treaty committed previous to the extradition, other than the offence or crime for which he was extradited, without the consent of the Government which has surrendered such person, and the said Government shall be able to demand an exhibition of any of the documents mentioned in Article X of the present treaty.

In like manner the consent of the said Government shall be solicited if the extradition of the offender is requested by a third Government; although this shall not be necessary when the offender voluntarily requests trial or consents to punishment; or if he fails to leave the territory of the country to which he has been surrendered within the period above fixed.

ARTICLE V.

The contracting parties shall in no case be obliged to surrender their own citizens in virtue of the stipulations of the present treaty.

ARTICLE VI.

If the person shall be in course of trial, or shall have been convicted of an offence other than that for which the surrender is demanded, extradition shall only take place after the trial shall have been concluded and the sentence fulfilled.

ARTICLE VII.

When the person demanded by one of the contracting parties is also demanded by one or more powers on account of crimes and offences committed within their respective jurisdictions, extradition shall be conceded to the one whose request is first received, unless the Government to which the request is made has before agreed by treaty in case of the concurrence of requests to give preference to the country of the person's origin, to the gravity of the crime, or to the request which is of oldest date; in whichsoever of these cases the usual rule shall be followed.

ARTICLE VIII.

Extradition shall be refused when the action or sentence for which the offender is demanded shall have been extinguished by prescription, according to the law of the country to which the request is made, or when such person shall have been already tried and sentenced for the same crime.

ARTICLE IX.

All articles found in the possession of the person accused and obtained through the commission of the act with which such person is charged, and may be used as evidence of the crime for which such person is demanded, shall be seized and surrendered with the person.

Nevertheless, the rights of third persons to the articles so found shall be respected.

Article X.

Requisitions for the surrender of fugitives from justice accused or convicted of any of the crimes or offences hereinbefore mentioned shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agent either from the country or from the seat of Government such requisition shall be made by a superior consular officer.

When the person whose surrender is requested shall have already been convicted of the crime or offence for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court or tribunal which has pronounced it, duly signed by the judge of the court or president of the tribunal: and the signature of the judge of the court or president of the tribunal shall be authenticated by the proper executive officer, whose official character shall in turn be attested by the diplomatic agent or a superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked is merely charged with the commission of any of the crimes mentioned in the present treaty, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest issued against such person by the officer duly authorized to do so; and likewise by an authenticated copy of the depositions or declarations made before such officer and setting forth the acts with which the fugitive is charged.

The extradition of fugitives under the provisions of the present treaty shall be carried out in conformity with the laws and practice for the time being in force in the state on which the demand is made, without, however, denying recourse to the writ of *habeas-corpus*.

Article XI.

When the arrest and detention of a person are desired on telegraphic or other information in advance of the presentation of the formal proofs provided for in the preceding article of the present treaty, the following practice shall be observed: In the United States of America application shall be made by the diplomatic agent of Brazil, or in his absence by a superior consular officer, to the Secretary of State, for a certificate stating that request has been made by the Government of the United States of Brazil for the provisional arrest of a person convicted or accused of the commission within the jurisdiction thereof, of a crime or offence extraditable under the terms of the present treaty, which, upon presentation to any competent judicial officer and upon complaint duly made that such a crime or offence has been so committed, it shall be lawful for such judicial officer to issue a warrant for the apprehension of such person; And in the United States of Brazil upon request of the Government of the United States of America, duly made through its diplomatic agent, or in his absence by a superior consular officer to the Minister for Foreign Relations; the provisional arrest shall be made of any person convicted or accused of the commission of a crime or offence extraditable under this treaty.

But if the formal requisition for surrender with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or in his absence by a superior consular officer, within sixty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

ARTICLE XII.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought.

ARTICLE XIII.

The present treaty shall take effect six weeks after the exchange of ratifications, and shall continue in force six months after one of the contracting parties shall have notified the other of an intention to terminate it.

It shall be ratified and the ratifications exchanged at Rio de Janeiro as soon as possible.

In witness whereof, the respective plenipotentiaries sign the above articles written in the English and Portuguese languages and hereunto affix their seals.

Done and signed in duplicate in the city of Rio de Janeiro, this 14th day of May 1897.

[SEAL.] THOMAS L. THOMPSON.
[SEAL.] DIONISIO E. DE CASTRO CERQUEIRA.

A protocol amending the said treaty in certain particulars was concluded and signed by the respective plenipotentiaries of the United States of America and the United States of Brazil, at Rio de Janeiro, on the 28th day of May, one thousand eight hundred and ninety-eight, as follows:

PROTOCOL.

The undersigned, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America and the Minister for Foreign Affairs of the Republic of the United States of Brazil, met together to-day in the Department of Foreign Affairs and being duly authorized, have agreed to modify in the manner hereinafter indicated the provisions of No. 13 of Article II, of the end of § 2 of Article III, and of the first two paragraphs of Article IV, and the wording of Article IX of the Extradition Treaty signed May 14th, 1897, for the purpose of preventing questions in the execution thereof.

ARTICLE II, No. 13.

To add in the English text after "broker" the word "manager", corresponding in the Portuguese text to the term "administrador".

ARTICLE III, § 2.

To substitute in the English text for the word "definite" the word "final".

ARTICLE IV.

To change the wording of the first paragraph of the Portuguese text to read as follows: O indi viduo entregue não poderá ser processado nem punido no paiz que tiver obtido a extradição nem entregue a terceiro paiz por crime ou infracção não prevista no presente tratado nem por crime ou infracção anterior á extradição, etc., etc.

To substitute in the second paragraph of the English text the expression "may demand" for "shall be able to demand"

ARTICLE IX.

Substitute for the wording of the English text the following: "All articles found in the possession of the person accused, whether obtained through the commission of the act with which such person is charged, or whether they may be used etc., etc."

This protocol shall be submitted for approval to the Congresses of the two countries.

Done at the city of Rio de Janeiro this twenty-eighth day of May A. D. 1898.

[SEAL.] CHARLES PAGE BRYAN
[SEAL.] DIONISIO E. DE CASTRO CERQUEIRA.

1902.

PROTOCOL SUBMITTING TO ARBITRATION THE CLAIM OF GEORGE C. BENNER ET AL.

Signed September 6, 1902.

ARTICLES.

I. Questions to be submitted; arbitrator.
II. Evidence.
III. Payment.
IV. Time of submission.
V. Arguments.
VI. Time of payment.
VII. Expenses.
VIII. Award final.

The Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of the United States of Brazil having agreed to submit to arbitration the claim of George C. Benner and others against the Republic of the United States of Brazil;

The United States of America and the Republic of the United States of Brazil, through their representatives, Charles Page Bryan, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Brazil, and Doctor Olyntho Maximo de Magalhães, Minister of State for Foreign Relations of the Republic of the United States of Brazil, have agreed upon and signed the following protocol:

Whereas the owners of the vessel, "James A. Simpson", citizens of the United States of America, have claimed through the Government of the United States of America from the Government of the Republic of the United States of Brazil indemnity on account of

the damage inflicted upon the said vessel and her long boat by the firing of the soldiers of the Government of the Republic of the United States of Brazil and for the damage caused by the detention of the said vessel at the port of Rio de Janeiro, Brazil, it is agreed between the two Governments:

I

That the question of the liability of the Republic of the United States of Brazil to pay an indemnity in said case, and, if so found by the Arbitrator, the further question of the amount of said indemnity to be awarded and the questions of law and fact brought in issue, shall be referred to Mr. A. Grip, Envoy Extraordinary and Minister Plenipotentiary of Sweden and Norway at Washington, who is hereby appointed as Arbitrator to hear said causes and to determine the question of said liability and the amount of indemnity, if any, found by said Arbitrator to be justly due.

II

The Government of the United States of America will lay before the Arbitrator the claimant's evidence and all correspondence between the Government of the Republic of the United States of Brazil and the Minister of the United States of America at Petropolis, Brazil, and the dispatches from the said Minister reporting documentary evidence to the Department of State in relation to the said claim.

All questions of procedure shall be left to the determination of the Arbitrator.

III

The Government of the Republic of the United States of Brazil agrees to pay, in American gold, any amount which may be awarded by the Arbitrator, if he finds that it is liable therefor.

IV

The evidence is to be submitted to the Arbitrator on or before the first day of December, 1902, and his decision is to be rendered within three months thereafter.

V

Each Government may furnish to the Arbitrator an argument or brief not later than the fifteenth day of January, 1903, a copy of which each party shall furnish to the other at the same time as to the Arbitrator.

VI

The Government of the Republic of the United States of Brazil shall pay the indemnity awarded by the Arbitrator, if any, within twelve months from the date of the award, unless an extension of the time of its payment should be granted by the Government of the United States of America.

VII

All the expenses of said arbitration are to be paid in equal moities by the said Governments.

VIII

Any award given by the Arbitrator shall be final and conclusive.

Done in duplicate in English and Portuguese at Rio de Janeiro this sixth day of September 1902.

[SEAL] CHARLES PAGE BRYAN
[SEAL] OLYNTHO MAXIMO DE MAGALHÃES.

The claim referred to in the foregoing protocol was presented to the Swedish minister as arbitrator, and withdrawn from the consideration of the arbitrator November 28, 1902, for want of evidence.

BREMEN.[a]

1853.

DECLARATION OF ACCESSION [b] OF THE SENATE OF THE FREE HANSEATIC CITY OF BREMEN TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVES FROM JUSTICE, BETWEEN PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION AND THE UNITED STATES.

Concluded September 6, 1853; ratifications exchanged at Washington October 14, 1853; proclaimed October 15, 1853.

Whereas a Convention for the mutual delivery of criminals fugitives from justice, in certain cases, between Prussia and other states of the Germanic Confederation, on the one part, and the United States of North America on the other part, was concluded at Washington, on the 16th June, 1852, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of the contracting goverments; and whereas, pursuant to the second article of the said convention, the United States have agreed that the stipulations of the said convention shall be applied to any other State of the Germanic Confederation which might subsequently declare its accession thereto: Therefore the Senate of the free Hanseatic city of Bremen accordingly hereby declares their accession to the said convention of the sixteenth June, 1852, which is literally as follows:

[A copy of the convention of the sixteenth of June, 1852, between the United States and Prussia and other Germanic States is here inserted:]

And hereby expressly promises that all and every one of the articles and provisions contained in the said convention shall be faithfully observed and executed within the dominion of the free Hanseatic city of Bremen.

In faith whereof the President of the Senate has executed the present declaration of accession, and has caused the great seal of Bremen to be affixed to the same.

Done at Bremen the Sixth day of September, eighteen hundred and fifty-three.

The President of the Senate.

[SEAL.]

SMIDT.

BREULS,
Secretary.

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[a] See also Hanseatic Republics.

[b] Translation.

BRUNSWICK AND LÜNEBURG.[a]

(*See* GERMAN EMPIRE.)

1854.

CONVENTION RESPECTING THE DISPOSITION OF PROPERTY.

Concluded August 21, 1854; ratification advised by the Senate with amendment March 3, 1855; ratified by the President July 10, 1855; ratifications exchanged July 28, 1855; proclaimed July 30, 1855.

ARTICLES.

I. Disposition of personal property.
II. Disposition of real estate.
III. Duration; ratification.

The President of the United States of America and His Highness the Duke of Brunswick & Luneburg, animated by the desire to secure and extend, by an amicable convention, the relations happily existing between the two countries, have, to this effect, appointed as their plenipotentiaries, to wit: the President of the United States of America, William L. Marcy, Secretary of State of the United States; and His Highness the Duke of Brunswick and Luneburg, Dr. Julius Samson, His said Highness' Consul at Mobile, Alabama; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, subject to the laws of the State or country, where the domicil is, or the property is found, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of

[a] The Duchy of Brunswick and Lüneburg became a member of the North German Union July 1, 1867, and is now incorporated in the German Empire.

the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ARTICLE II.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States on the one part, or that of His Highness the Duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratification shall be exchanged at Washington within twelve months after its date, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this twenty-first day of August in the year of Our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

W. L. MARCY
[SEAL.]
JULIUS SAMSON
[SEAL.]

BULGARIA.

1906.[a]

Reciprocity with Bulgaria.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Government of the Principality of Bulgaria has taken action, extending on and after June 5, 1906, and until further notice, to the products of the soil or industry of the United States, the benefit of the Bulgarian conventional customs tariff rates, the same being the lowest rates applied by Bulgaria to the like products of any other country, by which action in the judgment of the President reciprocal and equivalent concessions are established in favor of the said products of the United States: Now, Therefore, be it known that I, Theodore Roosevelt, President of the United States of America, acting under the authority conferred by the third section of the Tariff Act of the United States, approved July 24, 1897, do hereby suspend, during the continuance in force of the said concessions by the Government of the Principality of Bulgaria, the imposition and collection of the duties imposed by the first section of said act upon the Articles hereinafter specified, being the products of the soil or industry of Bulgaria; and do declare in place thereof the following rates of duty provided in the third section of said Act to be in force and effect on and after September 30, 1906, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per cent ad valorem.

Upon brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy five cents per proof gallon.

Upon still wines, and vermuth, in casks, thirty five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty four bottles or jugs containing each not more than one pint, one dollar and twenty five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

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[a] Terminated by the tariff act of 1909, October 31, 1909.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifteenth day of September, in the year of our Lord one thousand nine hundred and six and of the Independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:
ROBERT BACON
Acting Secretary of State.

CENTRAL AMERICA.

1825.[a]

Convention of Peace, Amity, Commerce, and Navigation.

Concluded December 5, 1825; ratification advised by the Senate December 29, 1825; ratified by the President January 16, 1826; ratifications exchanged August 2, 1826; proclaimed October 28, 1826.

Articles.

I. Amity.
II. Most favored nation.
III. Freedom of commerce and navigation.
IV. No discrimination in tonnage duties.
V. No discrimination in duties on imports and exports.
VI. Reciprocal privileges in business affairs.
VII. Indemnity to vessels detained.
VIII. Asylum to vessels in distress.
IX. Captures by pirates.
X. Shipwrecks.
XI. Disposition of property.
XII. Special protection.
XIII. Religious freedom.
XIV. Free ships, free goods.
XV. Cargoes of neutrals.
XVI. Contraband goods.
XVII. Trading privileges of neutrals.
XVIII. Contraband goods.
XIX. Notice of blockade.
XX. Visitation and search.
XXI. Nationality of vessels.
XXII. Vessels under convoy.
XXIII. Prize courts.
XXIV. Letters of marque.
XXV. Reciprocal treatment of citizens in war.
XXVI. Non confiscation of debts.
XXVII. Favored nation privileges to ministers.
XXVIII. Consuls.
XXIX. Exequatur.
XXX. Privileges of consuls.
XXXI. Deserters.
XXXII. Consular convention.
XXXIII. Ratification; duration.

The United States of America and the Federation of the Centre of America, desiring to make firm and permanent the peace and friendship which happily prevail between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce and navigation.

For this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Executive Power of the Federation of the Centre of America on Antonio José Cañas, a Deputy of the Constituent National Assembly for the Province of San Salvador, and Envoy Extraordinary and Minister Plenipotentiary of that Republic near the United States;

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

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[a] This treaty terminated as to articles relating to commerce and navigation, August 2, 1838, by their own limitations, and the entire treaty was abrogated by the dissolution of the Republic in 1839.

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And in like manner that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and

drawbacks shall be allowed and collected, whether such importation or re-exportation be made in vessels of the United States or of the Central Republic.

Article V.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the Federation of the Centre of America, to or from the territories of the United States or to or from the territories of the Federation of the Centre of America, which shall not equally extend to all other nations.

Article VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens, of both countries, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Article VII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Article VIII.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE IX.

All the ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of the respective Governments.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported.

ARTICLE XI.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

ARTICLE XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XIII.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the country subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Article XIV.

It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: *Provided*, However, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Article XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as

was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandise excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes, made up in the form and for a military use;

3d. Cavalry belts, and horses with their furniture;

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XVII.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XVIII.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband whenever the master, captain or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Article XIX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XX.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers or for any other purpose whatever.

Article XXI.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accus-

tomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy on his word of honor that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port that they have no contraband goods on board—shall be sufficient.

ARTICLE XXIII.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or lettter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Article XXVI.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

Article XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers and other Public Agents, the same favors, immunities and exemptions which those of the most favored nations do or shall enjoy, it being understood that whatever favors, immunities or privileges the United States of America or the Federation of the Centre of America may find it proper to give to the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Article XXVIII.

To make more effectual the protection which the United States and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Article XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Article XXX.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall be no more arrested for the same cause.

Article XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXIII.

The United States of America and the Federation of the Centre of America, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce or navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3d. If, (which indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other on complaints of injuries or damages until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4h. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the ratifications shall be exchanged in the city of Guatemala within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Federation of the Centre of America, have signed and sealed these presents.

Done in the city of Washington on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[SEAL.] H. CLAY.
[SEAL.] ANTONIO JOSÉ CAÑAS

CHILE.

1832.[a]

Convention of Peace, Amity, Commerce, and Navigation.

Concluded May 16, 1832; ratification advised by the Senate December 19, 1832; ratified by the President April 26, 1834; ratifications exchanged April 29, 1834; proclaimed April 29, 1834.

Articles.

I. Amity.
II. Most favored nation.
III. Freedom of commerce and navigation.
IV. Reciprocal privileges in business affairs.
V. Indemity for vessels detained.
VI. Asylum to vessels.
VII. Captures by pirates.
VIII. Shipwrecks.
IX. Disposition of property.
X. Special protection to citizens.
XI. Religious freedom.
XII. Free ships, free goods.
XIII. Cargoes of neutrals.
XIV. Contraband goods.
XV. Trading privileges of neutrals.
XVI. Contraband goods.
XVII. Blockade.
XVIII. Visitation and search.
XIX. Nationality of vessels.
XX. Vessels under convoy.
XXI. Prize courts.
XXII. Letters of marque.
XXIII. Reciprocal treatment of citizens in war.
XXIV. Nonconfiscation of debts and securities.
XXV. Most favored nation privileges to ministers.
XXVI. Consuls.
XXVII. Exequatur.
XXVIII. Privileges of consuls.
XXIX. Deserters.
XXX. Consular convention.
XXXI. Duration; ratification.

In the name of God, Author and Legislator of the Universe.

The United States of America and the Republic of Chili, desiring to make firm and lasting the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace and friendship, commerce and navigation.

For this most desirable object, the President of the United States of America, by and with the advice and consent of the Senate thereof, has appointed and conferred full powers on John Hamm, a citizen of said States, and their Chargé d'Affaires near the said Republic; and His Excellency the President of the Republic of Chili has appointed Señor Don Andres Bello, a citizen of the said Republic;

And the said Plenipotentiaries, after having mutually produced and exchanged copies of their full powers in due and proper form, have agreed upon and concluded the following articles, videlicet:

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[a] This treaty was terminated January 20, 1850, on notice given by the Chilean Government. Federal case: U. S. *v.* Turnbull (48 Fed. Rep. 94).

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Chili, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Chili, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and convention which now exist, or may hereafter exist, between the Republic of Chili and the Republic of Bolivia, the federation of the Centre of America, the Republic of Colombia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ARTICLE III.

The citizens of the United States of America may frequent all the coasts and countries of the Republic of Chili, and reside and trade there in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the citizens and subjects of the most favored nations.

In like manner the citizens of the Republic of Chili may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges and exemptions in commerce and navigation which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the citizens and subjects of the most favored nations. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries, to manage, themselves, their own business, in all ports and places subject to the

jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VI.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE VIII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered or suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

ARTICLE IX.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives,

being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases; and if in the case of real estate the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation and exempt from any other charges than those which may be imposed by the laws of the country.

Article X.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XI.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Article XII.

It shall be lawful for the citizens of the United States of America and of the Republic of Chili to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not

only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize the principle; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Article XIII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

Article XIV.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.
2. Bucklers, helmets, breastplates, coats of mail, infantry belts and clothes made up in the form and for a military use.
3. Cavalry belts, and horses with their furniture.
4. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XVI.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

Article XVII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from any officer commanding a vessel of the blockading forces she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Article XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XIX.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree, that, in case one of them shall be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, such ships being laden, besides the sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

Article XX.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXI.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commandant or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXIII.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and of the Republic of Chili, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Neither the debts due from the individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestrated or confiscated.

ARTICLE XXV.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to their Envoys, Ministers and other Public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it

being understood that whatever favors, immunities or privileges the United States of America or the Republic of Chili may find it proper to give to the Ministers and Public Agents of any other power, shall by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVI.

To make more effectual the protection which the United States of America and the Republic of Chili shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nations; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXVII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates and inhabitants, in the consular district in which they reside.

ARTICLE XXVIII.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXIX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when

arrested, shall be put at the disposal of said Consuls, and may be put in the public prison at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case may be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XXX.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXI.

The United States of America and the Republic of Chili, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties, by virtue of this treaty or general convention of peace, amity, commerce and navigation, have declared solemnly, and do agree to the following points:

1st. The present treatly shall remain in full force and virtue for the term of twelve years, to be reckoned from the day of the exchange of the ratifications; and, further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years: and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harbony and good correspondence tween the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the City of Washington within nine months, to be reckoned from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the underwritten Plenipotentiaries of the United States of America and of the Republic of Chili, have signed, by virtue of our powers, the present treaty of peace, amity, commerce and navigation, and have hereunto affixed our seals, respectively.

Done and concluded, in triplicate, in the city of Santiago, this sixteenth day of the month of May, in the year of our Lord Jesus Christ one thousand eight hundred and thirty-two, and in the fifty-sixth year of the Independence of the United States of America, and the twenty-third of that of the Republic of Chili.

[SEAL.] JNO. HAMM.
[SEAL.] ANDRES BELLO.

1833.[a]

ADDITIONAL CONVENTION TO THE TREATY OF 1832.

Concluded September 1, 1833; ratification advised by the Senate April 24, 1884; ratified by the President April 26, 1834; ratifications exchanged April 29, 1834; proclaimed April 29, 1884.

ARTICLES.

I. Extension of second article to new states of South America.
II. Equality of citizens before the law.
III. Slaves.
IV. Ratification duration.

Whereas the time stipulated in the treaty of amity, commerce, and navigation, between the United States of America and the Republic of Chili, signed at the city of Santiago on the sixteenth day of May, 1832, for the exchange of ratifications in the city of Washington has elapsed, and it being the wish of both the contracting parties that the aforesaid treaty should be carried into effect with all the necessary solemnities, and that the necessary explanations should be mutually made to remove all subject of doubt in the sense of some of its articles, the undersigned Plenipotentiaries, namely, John Hamm, a citizen of the United States of America and their Chargé d'Affaires, on the part and in the name of the United States of America, and Señor Don Andres Bello, a citizen of Chili, on the part and in the name of the Republic of Chili, having compared and exchanged their full powers, as expressed in the treaty itself, have agreed upon the following additional and explanatory articles:

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[a] This treaty was terminated January 20, 1850, or notice given by the Chilean Government.

ARTICLE I.

It being stipulated by the second article of the aforesaid treaty that the relations and conventions which now exist, or may hereafter exist, between the Republic of Chili and the Republic of Bolivia, the Federation of the Centre of America, the Republic of Columbia, the United States of Mexico, the Republic of Peru or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers; and these exceptions being founded upon the intimate connection and identity of feelings and interests of the new American States, which were members of the same political body under the Spanish dominion, it is mutually understood that these exceptions will have all the latitude which is involved in their principle; and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names or boundaries, so as to include the present States of Uruguay and Paraguay, which were formerly parts of the ancient Vice-Royalty of Buenos Ayres, those of New Granada, Venezuela and Equador in the Republic of Colombia, and any other States which may in future be dismembered from those now existing.

ARTICLE II.

It being agreed by the tenth article of the aforesaid treaty that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals, in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials, and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood that the Republic of Chili is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between American and Chilian citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

ARTICLE III.

It being agreed by the twenty-ninth article of the aforesaid treaty that deserters from the public and private vessels of either party are to be restored thereto by the respective Consuls; and whereas it is declared by the article 132 of the present constitution of Chili that "there are no slaves in Chili," and that "slaves touching the territory of the Republic are free," it is likewise mutually understood that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the public or private ships of the United States of America.

ARTICLE IV.

It is further agreed, that the ratifications of the aforesaid treaty of peace, amity, commerce and navigation, and of the present additional and explanatory convention, shall be exchanged in the city of Wash-

ington within the term of eight months, to be counted from the date of the present convention.

This additional and explanatory convention, upon its being duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chili, with the consent and approbation of the Congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of peace, amity, commerce and navigation between the United States of America and the Republic of Chili, signed on the said sixteenth day of May, 1832, having the same force and effect as if it had been inserted word for word in the aforesaid treaty.

In faith whereof we, the undersigned Plenipotentiaries of the United States of America and the Republic of Chili, have signed, by virtue of our powers, the aforesaid additional and explanatory convention, and have caused to be affixed our hands and seals, respectively.

Done in the city of Santiago this first day of September, 1833, and in the fifty-eighth year of the Independence of the United States of America, and the twenty-fourth of the Republic of Chili.

[SEAL.] JNO. HAMM.
[SEAL.] ANDRES BELLO.

1858.

CONVENTION FOR ARBITRATION OF MACEDONIAN CLAIMS.

Concluded November 10, 1858; ratification advised by the Senate March 8, 1859; ratified by the President August 4, 1859; ratifications exchanged October 15, 1859; proclaimed December 22, 1859.

The Government of the United States of America and the Government of the Republic of Chili desiring to settle amicably the claim made by the former upon the latter for certain citizens of the United States of America, who claim to be the rightful owners of the silver, in coin and in bars, forcibly taken from the possession of Capt. Eliphalet Smith, a citizen of the United States of America, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, in the year 1821, by order of Lord Cochrane, at the time Vice-Admiral of the Chilian squadron, have agreed, the former to name John Bigler, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and the latter Don Geronimo Urmeneta, Minister of State in the Department of the Interior and of Foreign Relations, in the name and in behalf of their respective Governments, to examine said claim and to agree upon terms of arrangement just and honorable to both Governments.

The aforesaid Plenipotentiaries, after having exchanged their full powers, and found them in due and good form, sincerely desiring to preserve intact and strengthen the friendly relations which happily exist between their respective Governments, and to remove all cause of difference which might weaken or change them, have agreed, in the name of the Government which each represents, to submit to the arbitration of His Majesty the King of Belgium, the pending ques-

tion between them, respecting the legality or illegality of the above referred to capture of silver in coin and in bars, made on the ninth day of May, 1821, by order of Lord Cochrane, Vice-Admiral of the Chilian squadron, in the valley of Sitana, in the territory of the former Vice-Royalty of Peru, the proceeds of sales of merchandise imported into that country in the brig Macedonian, belonging to the merchant marine of the United States of America.

Therefore the above-named Ministers agree to name His Majesty the King of Belgium as arbiter, to decide with full powers and proceedings ex æquo et bono, on the following points:

First. Is, or is not, the claim which the Government of the United States of America makes upon that of Chili, on account of the capture of the silver mentioned in the preamble of this convention, just in whole or in part?

Second. If it be just in whole or in part, what amount is the Government of Chili to allow and pay to the Government of the United States of America, as indemnity for the capture?

Third. Is the Government of Chili, in addition to the capital, to allow interest thereon; and, if so, at what rate and from what date is interest to be paid?

The contracting parties further agree that his Majesty the King of Belgium shall decide the foregoing questions upon the correspondence which passed between the representatives of the two Governments at Washington and at Santiago, and the documents and other proofs produced during the controversy on the subject of this capture, and upon a memorial or argument thereon to be presented by each.

Each party to furnish the arbiter with a copy of the correspondence and documents above referred to, or so much thereof as it desires to present, as well as with its said memorial, within one year at furthest from the date at which they may respectively be notified of the acceptance of the arbiter.

Each party to furnish the other with a list of the papers to be presented by it to the arbiter, three months in advance of such presentation.

And if either party fail to present a copy of such papers, or its memorial, to the arbiter, within the year aforesaid, the arbiter may make his decision upon what shall have been submitted to him within that time.

The contracting parties further agree that the exception of prescription, raised in the course of controversy, and which has been a subject of discussion between their respective Governments, shall not be considered by the arbiter in his decision, since they agree to withdraw it and exclude it from the present question.

Each of the Governments represented by the contracting parties is authorized to ask and obtain the acceptance of the arbiter; and both promise and bind themselves in the most solemn manner to acquiesce in and comply with his decision, nor at any time thereafter to raise any question, directly or indirectly, connected with the subject-matter of this arbitration.

This convention to be ratified by the Governments of the respective contracting parties, and the ratifications to be exchanged within twelve months from this date, or sooner, if possible, in the city of Santiago.

In testimony whereof the contracting parties have signed and sealed this agreement in duplicate, in the English and Spanish languages, in Santiago, the tenth day of the month of November, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] JOHN BIGLER,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

[SEAL.] GERONIMO URMENETA,
Plenipotenciario ad hoc.

On May 15, 1863, the King of Belgium rendered his award awarding $42,400 in favor of the United States.

1892.

CLAIMS CONVENTION.

Concluded August 7, 1892; ratification advised by the Senate December 8, 1892; ratified by the President December 16, 1892; ratifications exchanged January 26, 1893; proclaimed January 28, 1893.

ARTICLES.

I. Claims to be submitted; commission.
II. Decision.
III. Appointment of new commissioners.
IV. Meeting of commissioners.
V. Procedure.
VI. Award.
VII. Finality of decision.
VIII. Presentation of claims.
IX. Place of payment.
X. Record; expenses.
XI. Acceptance of decision.
XII. Ratification.

The United States of America and the Republic of Chile, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

The President of the United States of America, Patrick Egan, Envoy Extraordinary and Minister Plenipotentiary of the United States at Santiago, and the President of the Republic of Chile, Isidoro Errázuriz, Minister of Foreign Relations of Chile;

Who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon the following articles:—

ARTICLE I.

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of Chile, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of Chile, or voluntarily giving aid and comfort to the same, by the civil or military authorities of Chile; and on the other hand, all claims

on the part of corporations, companies or private individuals, citizens of Chile, upon the Government of the United United States, arising out of acts committed against the persons or property of citizens of Chile, not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the President of the Republic of Chile, and the third to be selected by mutual accord between the President of the United States and the President of Chile. In case the President of the United States and the President of Chile shall not agree within three months from the exchange of the ratifications of this Convention to nominate such third Commissioner then said nomination of said third Commissioner shall be made by the President of the Swiss Confederation.

ARTICLE II.

The said Commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character presented to them by the citizens of either country.

ARTICLE III.

In case of the death, prolonged absence or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omiting, or declining, or ceasing to act as such, then the President of the United States, or the President of the Republic of Chile, or the President of the Swiss Confederation, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the occurrence of the vacancy.

ARTICLE IV.

The Commissioners named as hereinbefore provided shall meet in the City of Washington at the earliest convenient time within six months after the exchange of ratifications of this Convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I and II., which shall be laid before them on the part of the Governments of the United States and of Chile respectively; and such declaration shall be entered on the record of their proceedings; Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

ARTICLE V.

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the re-

spective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission. They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

ARTICLE VI.

The concurring decisions of the Commisioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

ARTICLE VII.

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

ARTICLE VIII.

Every claim shall be presented to the Commissioners within a period of two months reckoned from the day of their first meeting for business, after notice to the respective Governments as prescribed in Article V of this Convention. Nevertheless, where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding two months longer.

The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case of the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, in which event the period of six months herein prescribed shall not be held to include the time during which such interruption may actually exist.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred,

and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

ARTICLE IX.

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within six months after the date of the final award, without interest, and without any deduction save as specified in Article X.

ARTICLE X.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of Chile may each appoint and employ a Secretary versed in the languages of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five percentum on the sum so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

ARTICLE XI'.

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided for by this Convention as a full, perfect and final settlement of any and every claim upon either Government within the description and true meaning of Articles I and II; and that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be treated and considered as finally settled, concluded and barred.

ARTICLE XII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof and by the President of the Republic of Chile, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within six months from the date hereof.

In testimony whereof the respective Plenipotentiaries have signed the present Convention, in the English and Spanish languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Santiago the seventh day of August, in the year of our Lord one thousand eight hundred and ninety-two.

[SEAL.] PATRICK EGAN.
[SEAL.] ISIDORO ERRÁZURIZ.

On April 9, 1894, the Commission provided for in the foregoing treaty, awarded $240,564.35 in favor of the United States for its citizens.

1896.

COPYRIGHT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the Republic of Chile the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, GROVER CLEVELAND, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the Republic of Chile.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-fifth day of May, one thousand eight hundred and ninety-six and of the
[SEAL.] Independence of the United States the one hundred and twentieth.

GROVER CLEVELAND.

By the President:
RICHARD OLNEY,
Secretary of State.

1897.

Claims Protocol.

ADJUSTMENT OF CLAIM OF PATRICK SHIELDS.

Signed at Washington May 24, 1897.

Protocol in regard to the claim of Patrick Shields against the Government of Chile.

The Honorable John Sherman, Secretary of State of the United States of America, and the Honorable Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of Chile, being desirous to give a friendly and equitable solution to the claim of Patrick Shields, have agreed on the following:

The Government of Chile by equitable considerations will allow to the heirs of Patrick Shields a compensation of three thousand five hundred dollars, and this amount shall be delivered for that purpose to the Honorable Secretary of State of the United States within a period of four months from this date.

This agreement is subject to the acceptance of the Congress of Chile, from which the necessary amount is to be requested.

The allowance of the said amount of three thousand five hundred dollars in the manner before mentioned, will imply the final and complete settlement of the claim of Patrick Shields, and the said claim may not be presented at any other time, or in any other form.

In witness whereof the Honorable Secretary of State and the Honorable Minister of Chile sign the present agreement, in duplicate, in the English and Spanish languages, in Washington, the 24th day of May one thousand eight hundred and ninety-seven.

John Sherman
Domingo Gana

1897.

Convention to Revive the Convention of August 7, 1892, to Adjust Amicably the Claims of Citizens of Either Country Against the Other.

Signed at Washington, May 24, 1897; ratification with amendment advised by the Senate, February 28, 1899; ratified by the President, March 1, 1899; ratifications exchanged, March 12, 1900; proclaimed, March 12, 1900.

Articles:

I. Revival of convention of 1829. | II. Ratification.

The Convention between the United States of America and the Republic of Chile, signed August 7, 1892, having expired, and the Commission thereunder established to adjust amicably the claims made by the citizens of either country against the Government of the other having failed, through limitation, to conclude its task, leaving certain claims duly presented to the said commission unadjudicated, the Government of the United States of America and the Government of the Republic of Chile, desiring to remove every cause of difference

in the friendly relations that happily exist between the two Nations, have agreed to revive the said convention of August 7, 1892, and for that purpose have named as their Plenipotentiaries, to wit:

The President of the United States of America, the Honorable John Sherman, Secretary of State of the United States; and

The President of the Republic of Chile, Señor Don Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of Chile in the United States of America:

Who have agreed upon the articles following:

ARTICLE I.

The High Contracting Parties agree to revive the Convention of August 7, 1892, between the United States of America and the Republic of Chile, and that the commission thereunder created shall be allowed for the transaction of its business a period of four months, to be reckoned from the day of its first meeting for business, and conforming, in other respects, with the provisions of the second paragraph of Article VIII of the said Convention. Nevertheless, if the period of four months before stipulated shall prove insufficient for the settlement of the claims, the Commissioners are authorized to extend, at their discretion, such period to one or two months more.

It is expressly stipulated that this article shall in no wise extend or change the period designated by the first paragraph of Article VIII of the said Convention for the presentation of claims; so that the new Commission shall be limited to considering the claims duly presented to the former Commission in conformity with the terms of the Convention and with the Rules that governed its labors, excepting claim No. 7, of the North and South American Construction Company, which was subsequently withdrawn, a direct and final settlement thereof having been arrived at by the interested parties.

ARTICLE II.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chile, with the approbation of the National Congress thereof, and the ratifications shall be exchanged at Washington, at as early a day as possible.

In testimony whereof we have signed the present convention in the English and Spanish languages, in duplicate, affixing thereto our respective seals, the Plenipotentiary of Chile declaring that he signs the same "*ad referendum*".

Done at the city of Washington, the 24th day of May in the year of Our Lord eighteen hundred and ninety-seven.

JOHN SHERMAN [L. S.]
DOMINGO GANA [L. S.]

The United States and Chilean claims commission appointed under the convention of May 24, 1897, met on June 15, 1900, and adjourned June 18, 1901, awarding $28,062.29 gold, without interest, in favor of the United States and $3,000 gold, without interest, in favor of Chile.

1900.

Extradition Treaty.

Concluded April 17, 1900; ratification advised by Senate December 18, 1900; ratified by President May 24, 1902; ratifications exchanged May 27, 1902; proclaimed May 27, 1902.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Prior offenses.
IX. Property seized with fugitive.
X. Persons claimed by other countries.
XI. Expenses.
XII. Ratification; duration.

The United States of America and the Republic of Chile, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Chile, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Henry L. Wilson, Envoy Extraordinary and Minister Plenipotentiary of the United States in Chile, and the President of Chile, Señor Don Rafael Errázuriz Urmeneta, Minister of Foreign Relations of Chile.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Chile mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money, goods, documents or other property by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of Government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; where in either class of cases the embezzlement exceeds the sum of two hundred dollars; larceny.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea.

(a) Piracy, by statute or by the laws of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in the Republic of Chile by imprisonment at hard labor.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in the Republic of Chile, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Republic of Chile, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted, and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is note bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; And, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for their acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Santiago, this 17th day of April 1900.

HENRY L WILSON [SEAL.]
R. ERRÁZURIZ URMENETA. [SEAL.]

CHINA.

[NOTE.—The treaty as to commercial relations, concluded October 8, 1903, Article XVII, provides: "It is agreed * * * that all the provisions of the several treaties between the United States and China which were in force on the 1st day of January, 1900, are continued in full force and effect, *except in so far as they are modified by the present treaty or other treaties to which the United States is a party.*"]

1844.[a]

TREATY OF PEACE, AMITY, AND COMMERCE.

Concluded July 3, 1844; ratification advised by the Senate January 16, 1845; ratified by the President January 17, 1845; ratifications exchanged December 31, 1845; proclaimed April 18, 1846.

ARTICLES.

I. Peace and amity.
II. Import and export duties.
III. Open ports.
IV. Consular officers.
V. Commerce.
VI. Tonnage duties.
VII. Passenger and cargo boats.
VIII. Pilots, etc.
IX. Custom-house officers.
X. Vessels arriving in China.
XI. Ascertainment of duties.
XII. Standard weights and measures.
XIII. Payment of duties.
XIV. Transshipment of goods.
XV. Liberty to trade.
XVI. Collection of debts.
XVII. Privileges of open ports.
XVIII. Chinese teachers, etc.
XIX. Protection to United States citizens.
XX. Reexportation.
XXI. Punishment for crimes.
XXII. Trade with China in case of war.
XXIII. Reports by consuls.
XXIV. Communication with officials.
XXV. Right of United States citizens.
XXVI. Merchant vessels in Chinese waters.
XXVII. Shipwrecks.
XXVIII. Embargo.
XXIX. Control over seamen.
XXX. Official correspondence.
XXXI. Communications.
XXXII. Naval vessels in Chinese waters.
XXXIII. Clandestine trade.
XXXIV. Duration; ratification.

The United States of America and the Ta Tsing Empire, desiring to establish firm, lasting and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries:

For which most desirable object the President of the United States has conferred full powers on their Commissioner, Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United

[a] The treaties of June 18 and November 8, 1858, substituted so far as the provisions relate to identical subjects, for treaty of 1844.

States to China; and the August Sovereign of the Ta Tsing Empire on his Minister and Commissioner Extraordinary Tsiyeng, of the Imperial House, a Vice Guardian of the Heir Apparent, Governor General of the Two Kwangs, and Superintendent General of the trade and foreign intercourse of the five ports.

And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

Article I.

There shall be a perfect, permanent and universal peace and a sincere and cordial amity, between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

Article II.

Citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the tariff, which is fixed and made a part of this treaty. They shall, in no case, be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue, who may be guilty of exaction, shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said tariff, such modifications shall be made only in consultation with Consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon to a complete, equal and impartial participation in the same.

Article III.

The citizens of the United States are permitted to frequent the five ports of Kwang-chow, Amoy, Fuchow, Ningpo and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision shall, with her cargo, be subject to confiscation by the Chinese Government.

Article IV.

For the superintendence and regulation of the concerns of citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion

may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offence to, or collision with, the officers and people of China.

ARTICLE V.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there and purchase therein, and export to their own or any other ports, all manner of merchandise, of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

ARTICLE VI.

Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul or person charged with affairs, who will report the same to the commissioner of customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hunhundred and fifty tons burden; and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any other of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs, will report the same to the commissioner of customs, who, on the departure of the said vessel, will note in the port-clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case on entering another port the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

ARTICLE VII.

No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo boats, however, conveying merchandise subject to duty, shall pay the regular tonnage duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and, when the lawful duties have all been

paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists and writers, and passage or cargo boats, and to employ laborers, seamen and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government, without interference on the part of the local officers of the Chinese Government.

ARTICLE IX.

Whenever merchant vessels belonging to the United States shall have entered port, the superintendent of customs will, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the superintendent of customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practiced by them in violation of this regulation.

ARTICLE X.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of said ports, the supercargo, master or consignee, will, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with affairs of the United States, who will cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the superintendent will give a permit for the discharge of her cargo.

And the master, supercargo or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

ARTICLE XI.

The superintendent of customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot

be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the superintendent of customs.

ARTICLE XII.

Sets of standard balances, and also weights and measures, duly prepared, stamped and sealed, according to the standard of the custom-house at Canton, shall be delivered by the superintendents of customs to the Consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

ARTICLE XIII.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the superintendent of customs shall give a port-clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulation now in force. And imported goods, on their re-sale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

ARTICLE XIV.

No goods on board any merchant vessel of the United States in port are to be transshipped to another vessel, unless there be particular occasion therefor; in which case the occasion shall be certified by the Consul to the superintendent of customs, who may appoint officers to examine into the facts, and permit the transshipment. And if any goods be transshipped without such application, inquiry and permit, they shall be subject to be forfeited to the Chinese Government.

ARTICLE XV.

The former limitation of the trade of foreign nations to certain persons appointed at Canton by the Government, and commonly called Hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

ARTICLE XVI.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens

of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the co-hong, so-called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

ARTICLE XVII.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchant on the other unreasonably insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants seamen or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of the Government at each of the five ports shall, in concert with the Consul, define the limits beyond which it shall not be lawful for citizens of the United States to go.

ARTICLE XVIII.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not, for that cause, be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XIX.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all

insult or injury of any sort on the part of the Chinese. If their dwellings or their property be threatened or attacked by mobs, incendiaries or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Article XX.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods, as entered on the custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if on such examination the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Article XXI.

Subjects of China who may be guilty of any criminal act towards citizens of the United States shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul, or other public functionary of the United States, thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

Article XXII.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed that in case, at any time hereafter, China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full

respect being paid to the neutrality of the flag of the United States: Provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Article XXIII.

The Consuls of the United States, at each of the five ports open to foreign trade, shall make annually to the respective Governors General thereof a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

Article XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul, or other functionary, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

Article XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction of, and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Article XXVI.

Merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce will be under the jurisdiction of the officers of their own Government; who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce

of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters over which the Chinese Government exercise jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest Consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

Article XXVII.

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled to repair at once to the most convenient of the five ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

Article XXVIII.

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized and forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

Article XXIX.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

The merchants, seamen and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XXX.

The superior authorities of the United States and of China in corresponding together shall do so in terms of equality and in the form of mutual communication, (*chau-hwui*). The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication, (*chau-hwui*). When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, (*chin-chin*). Private individuals in addressing superior officers shall employ the style of petition, (*pin-ching*). In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

ARTICLE XXXI.

Communications from the Government of the United States to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

ARTICLE XXXII.

Whenever ships of war of the United States in cruising for the protection of the commerce of their country shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government shall hold intercourse together in terms of equality and courtesy in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water and making repairs if occasion require.

ARTICLE XXXIII.

Citizens of the United States who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband articles of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

ARTICLE XXXIV.

When the present convention shall have been definitely concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same,

by the means of suitable persons appointed to conduct such negotiation.

And when ratified this treaty shall be faithfully observed in all its parts by the United States and China and by every citizen and subject of each. And no individual State of the United States can appoint or send a minister to China to call in question the provisions of the same.

The present treaty of peace, amity, and commerce, shall be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of the Ta Tsing Empire, and the ratifications shall be exchanged within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire as aforesaid, have signed and sealed these presents.

Done at Wang Hiya, this third day of July, in the year of our Lord Jesus Christ one thousand eight hundred and forty-four, and of Taoukwang the twenty-fourth year, fifth month and eighteenth day.

[SEAL.] C. CUSHING.
[SEAL.] TSIYENG, (in *Manchu language.*)

The tariff of duties to be levied on imported and exported merchandise at the five ports.

The duties which it is agreed shall be paid upon goods imported and exported by the United States, at the custom-houses of Canton, Amoy, Fuchow, Ningpo, and Shanghai, are as follows, the articles being arranged in classes, viz:

EXPORTS.

CLASS 1.—*Alum, oils, &c.*

	[a] T.	M.	C.
Alum, i. e., white alum, formerly white alum and bluestone, per 100 catties	0	1	0
Anise-seed oil, not formerly contained in the tariff, per 100 catties	5	0	0
Cassia buds, not formerly contained in the tariff, per 100 catties	1	0	0

CLASS 2.—*Teas, spices, &c.*

Tea, formerly divided into fine and native black, and fine and native green teas, per 100 catties	2	5	0
Anise-seed, star, per 100 catties	0	5	0
Musk, each catty	0	5	0

CLASS 3.—*Drugs.*

Capoor cutchery, per 100 catties	0	3	0
Camphor, per 100 catties	1	5	0
Arsenic, under different Chinese names, per 100 catties	0	7	5
Cassia, per 100 catties	0	7	5
Cassia buds, not formerly contained in the tariff, per 100 catties	1	0	0
China root, per 100 catties	0	2	0
Cubebs, not formerly in tariff, per 100 catties	1	5	0
Galingal, per 100 catties	0	1	0
Hartall, per 100 catties	0	5	0
Rhubarb, per 100 catties	1	0	0
Turmeric, per 100 catties	0	2	0

[a] Taels, mace and candareens.

CLASS 4.—*Sundries.*

	[a] T.	M.	C.
Bangles, not formerly in the tariff, per 100 catties	0	5	0
Bamboo screens and bamboo ware, per 100 catties	0	2	0
Corals, native or false corals, not formerly in the tariff, per 100 catties	0	5	0
Crackers, and fire-works formerly classed as rockets, per 100 catties	0	7	5
Fans, (feather fans, &c.,) not formerly in the tariff, per 100 catties	1	0	0
Glass, glass ware of all kinds, formerly classed as native crystal ware, per 100 catties	0	5	0
Glass beads, or false pearls, per 100 catties	0	5	0
Kittisols, or paper umbrellas, per 100 catties	0	5	0
Marble, marble slabs, not formerly in the tariff, per 100 catties	0	2	0
Rice-paper pictures, per 100 catties	0	1	0
Paper fans, per 100 catties	0	5	0
Pearls, (false,) not formerly in the tariff, per 100 catties	0	5	0

CLASS 5.—*Painters' stores, &c.*

Brass leaf, per 100 catties	1	5	0
Gamboge, per 100 catties	2	0	0
Red lead, per 100 catties	0	5	0
Glue, as fish glue, cowhide glue, &c., per 100 catties	0	5	0
Paper, stationery, per 100 catties	0	5	0
Tin foil, per 100 catties	0	5	0
Vermilion, per 100 catties	3	0	0
Paintings, (large paintings,) formerly divided into large and small paintings, each	0	1	0
White lead, per 100 catties	0	2	5

CLASS 6.—*Wares of various kinds.*

Bone and horn ware, per 100 catties	1	0	0
China ware, fine and coarse, formerly classed as fine, native, coarse and middling, per 100 catties	0	5	0
Copper ware and pewter ware, per 100 catties	0	5	0
Manufactures of wood, furniture, &c., per 100 catties	0	2	0
Ivory ware, all carved ivory work included, formerly divided into ivory and ivory carvings, per 100 catties	5	0	0
Lacquered ware, per 100 catties	1	0	0
Mother-of-pearl ware, per 100 catties	1	0	0
Rattan ware, rattan and bamboo work, per 100 catties	0	2	0
Sandal-wood ware, per 100 catties	1	0	0
Gold and silver ware, formerly divided into gold ware and silver ware, per 100 catties	10	0	0
Tortoise-shell ware, per 100 catties	10	0	0
Leather trunks and boxes, per 100 catties	0	2	0

CLASS 7.—*Canes, &c.*

Canes or walking sticks of all kinds, per 1,000 pieces	0	5	0

CLASS 8.—*Articles of clothing.*

Wearing apparel, whether of cotton, woollen or silk, formerly divided into cotton clothing, woolen clothing, silk and satin clothing, and velvet, per 100 catties	0	5	0
Boots and shoes, whether of leather, satin or otherwise, per 100 catties	0	2	0

CLASS 9.—*Fabrics of hemp, cotton, &c.*

Grass-cloth, and all cloths of hemp or linen, per 100 catties	1	0	0
Nankeen, and all cloths of cotton, formerly not in the tariff, per 100 catties	1	0	0

[a] Taels, mace and candareens.

CLASS 10.—*Silk, fabrics of silk, &c.*

	[a] T.	M.	C.
Raw silk of any province, per 100 catties	10	0	0
Coarse or refuse silk, per 100 catties	2	0	0
Organzine of all kinds, per 100 catties	10	0	0
Silk ribbon and thread, per 100 catties	10	0	0
Silk and satin fabrics of all kinds, as crape, lutestring, &c., &c., formerly classed as silks and satins, per 100 catties	12	0	0
Silk and cotton mixed fabrics, per 100 catties	3	0	0
Heretofore a further charge per piece has been levied; the whole duty is now to be paid in one sum, and the further charge is abolished.			

CLASS 11.—*Carpeting, matting, &c.*

Mats of all kinds, as of straw, rattan, bamboo &c., per 100 catties	0	2	0

CLASS 12.—*Preserves, &c.*

Preserved ginger and fruits of all kinds, per 100 catties	0	5	0
Soy, per 100 catties	0	4	0
Sugar, white and brown, per 100 catties	0	2	5
Sugar candy, all kinds, per 100 catties	0	3	5
Tobacco, prepared and unprepared, &c., of all kinds, per 100 catties	0	2	0

CLASS 13.—*Unenumerated articles.*

All articles which it has not been practicable to enumerate herein specifically are to be charged a duty of five per cent. ad valorem.

CLASS 14.

Gold and silver coin, and gold and silver, duty free.

CLASS 15.

Bricks, tiles and building materials, duty free.

IMPORTS.

CLASS 1.—*Wax, saltpetre, &c.*

Wax, foreign, as beeswax, also called tile wax, per 100 catties	1	0	0
Oil-of-rose mallows, per 100 catties	1	0	0
Saltpetre, foreign, per 100 catties	0	3	0
This article is only allowed to be sold to the Government merchants; formerly this regulation did not exist.			
Soaps, foreign, as perfumed soap, per 100 catties	0	5	0

CLASS 2.—*Spices and perfumes.*

Gum benzoin and oil of benzoin, per 100 catties	1	0	0
Sandal wood, per 100 catties	0	5	0
Pepper, black, per 100 catties	0	4	0
All other articles of this class not specifically mentioned herein, to pay a duty of ten per cent. ad valorem.			
Perfumery, five per cent. ad valorem.			

CLASS 3.—*Drugs.*

Asafœtida, per 100 catties	1	0	0
Camphor, superior quality, i. e., pure, formerly classed as good and inferior, per catty	1	0	0
Camphor, inferior quality or refuse, formerly uncleaned camphor, per catty	0	5	0
Cloves, superior quality, picked, per 100 catties	1	5	0

[a] Taels, mace and candareens.

	[a] T.	M.	C.
Cloves, inferior quality, (mother cloves,) per 100 catties	0	5	0
Cow bezoar, per catty	1	0	0
Cutch, per 100 catties	0	3	0
Gambier, per 100 catties	0	1	5
Areca nut, per 100 catties	0	1	5
Ginseng, foreign, superior quality, &c., per 100 catties	38	0	0
Ginseng, inferior quality, &c., per 100 catties	3	5	0
Of every hundred catties of foreign ginseng of whatsoever sort, one-fifth part is to be considered as of superior quality, and four-fifths of inferior.			
Gum olibanum, per 100 catties	0	5	0
Myrrh, per 100 catties	0	5	0
Mace, or flower of nutmeg, per 100 catties	1	0	0
Quicksilver, per 100 catties	3	0	0
Nutmegs, first quality, per 100 catties	2	0	0
Nutmegs, second quality, or coarse, per 100 catties	1	0	0
Putchuk, per 100 catties	0	7	5
Rhinoceros horns, per 100 catties	3	0	0

CLASS 4.—*Sundries.*

Flints, per 100 catties	0	0	5
Mother of pearl shells. per 100 catties	0	2	0

CLASS 5.—*Dried meats, &c.*

Birds' nests, first quality mandarin, per 100 catties	5	0	0
Birds' nests, second quality ordinary, per 100 catties	2	5	0
Birds' nests, third quality with feathers, per 100 catties	0	5	0
Bicho de mar, first quality black, per 100 catties	0	8	0
Bicho de mar, second quality, white, per 100 catties	0	2	0
Sharks' fins, first quality, white, per 100 catties	1	0	0
Sharks' fins, second quality, black, per 100 catties	0	5	0
Stock fish, called dried fish, per 100 catties	0	4	0
Fish-maws, not formerly in tariff, per 100 catties	1	5	0

CLASS 6.—*Painters' stores.*

Cochineal, per 100 catties	5	0	0
Smalts, per 100 catties	4	0	0
Sapan wood, per 100 catties	0	1	0

CLASS 7.—*Woods, canes, &c.*

Rattans, per 100 catties	0	2	0
Ebony, per 100 catties	0	1	5
All other imported wood, as red wood, satin wood, yellow wood, not specifically enumerated, to pay a duty of ten per cent. ad valorem.			

CLASS 8.—*Clocks, watches, &c.*

Clocks.
Watches.
Telescopes.
Glass panes, and crystal ware of all kinds.
Writing-desks.
Dressing-cases.
Jewelry of gold and silver.
Cutlery, swords, &c.
All the foregoing and any other miscellaneous articles of the same description, 5 per cent. ad valorem.

CLASS 9.

Gold and silver bullion, duty free.

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[a] Taels, mace and candareens.

CLASS 10.

	[a] T.	M.	C.
Cotton, fabrics of cotton and canvas, from 75 to 100 chih long, and 1 chih 7 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Cotton, allowing 5 per cent. for tare, per 100 catties	0	4	0
Long white cloths, 75 to 100 chih long, 2 chih 2 tsun to 2 chih 6 tsun wide, formerly divided into superior and inferior fine cotton cloth, per piece	0	1	5
Cambrics and muslins, from 50 to 60 chih long, and 2 chih 9 tsun to 3 chih 3 tsun wide, per piece	0	1	5
Cottons, grey or unbleached domestic, &c., from 75 to 100 chih long, and 2 chih to 2 chih 9 tsun wide, formerly classed as coarse long cloths, per piece	0	1	0
Twilled cottons, grey, same dimensions, per piece	0	1	0
Chintz and prints of all kinds, from 60 to 75 chih long, and from 2 chih 9 tsun to 3 chih 3 tsun wide, formerly called ornamented or flowered cloths, per piece	0	2	0
Cotton yarn, or cotton thread, per 100 catties	1	0	0
Linen, fine, not formerly in the tariff, from 50 to 75 chih long, and 1 chih 9 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Bunting, per chang	0	0	1½
All other imported articles of this class, as ginghams, pulicats, dyed cottons, velveteens, silk and cotton mixtures, and mixtures of linen and cotton, &c., &c., 5 per cent. ad valorem.			

CLASS 11.—*Fabrics of silk, woollen, &c.*

Handkerchiefs, large, above 2 chih 6 tsun, each	0	0	1½
Handkerchiefs, small, under 2 chih 6 tsun, each	0	0	1
Gold and silver thread, superior or real, per catty	0	1	3
Gold and silver thread, inferior, or imitation, per catty	0	0	3
Broadcloth, Spanish stripe, &c., from 3 chih 6 tsun to 4 chih 6 tsun wide, per chang	0	1	5
Narrow cloths, as long ells, cassimeres, &c., formerly classed as narrow woollens, per chang	0	0	7
Camlets, (Dutch,) per chang	0	1	5
Camlets, per chang	0	0	7
Imitation camlets, or bombazettes, per chang	0	0	3½
Woollen yarn, per 100 catties	3	0	0
Blankets, each	0	1	0
All other fabrics of wool, or of mixed wool and cotton, wool and silk, &c., 5 per cent. ad valorem.			

CLASS 12.—*Wines, &c.*

Wine and beer, in quart bottles, per 100	1	0	0
Wine and beer, in pint bottles, per 100	0	5	0
Wine and beer, in cask, per 100 catties	0	5	0

CLASS 13.—*Metals.*

Copper, foreign, in pigs, &c., per 100 catties	1	0	0
Copper, wrought, as sheets, rods, &c., per 100 catties	1	5	0
Iron, foreign, unmanufactured, as in pigs, per 100 catties	0	1	0
Iron, manufactured, as in bars, rods, &c., per 100 catties	0	1	5
Lead, foreign, in pigs, or manufactured, per 100 catties	0	2	8
Steel, foreign, of every kind, per 100 catties	0	4	0
Tin, foreign, per 100 catties	1	0	0
Tin plates, formerly not in the tariff, per 100 catties	0	4	0
Spelter is only permitted to be sold to government merchants.			
All unenumerated metals, as zinc, yellow copper, &c., 10 per cent. ad valorem.			

CLASS 14.—*Jewelry.*

Carnelians, per 100 stones	0	5	0
Carnelian beads, per 100 catties	10	0	0

[a] Taels, mace and candareens.

CLASS 15.—*Skins, teeth, horns, &c.*

	T.	M.	C.
Bullocks' and buffalo horns, per 100 catties	2	0	0
Cow and ox hides, tanned and untanned, per 100 catties	0	5	0
Sea-otter skins, each	1	5	0
Fox-skins, large, each	0	1	5
Fox-skins, small, each	0	0	7½
Tiger, leopard and marten skins, each	0	1	5
Land-otter, raccoon and sharks' skins, per 100	2	0	0
Beaver skins, per 100	5	0	0
Hare, rabbit, and ermine skins, per 100	0	5	0
Sea-horse teeth, per 100 catties	2	0	0
Elephants' teeth, first quality, whole, per 100 catties	4	0	0
Elephants' teeth, second quality, broken, per 100 catties	2	0	0

CLASS 16.—*Unenumerated.*

All new goods which it has not been practicable to enumerate herein, a duty of five per cent. ad valorem.

CLASS 17.

Rice and other grains, duty free.

Contraband.—Opium.

Shipping dues.—These have been hitherto charged on the measurement of the ship's length and breadth, at so much per *chang*, but it is now agreed to alter the system and charge according to the registered statement of the number of tons of the ship's burden. On each ton (reckoned equal to the cubic contents of 122 tows) a shipping charge of five mace is to be levied; and all the old charges of measurement, entrance and port-clearance fees, daily and monthly fees, &c., are abolished.

[SEAL.] CUSHING.
[SEAL.] TSIYENG.

1858.[a]

TREATY OF PEACE, AMITY, AND COMMERCE.

Concluded June 18, 1858; ratification advised by the Senate December 15, 1858; ratified by the President December 21, 1858; ratifications exchanged August 16, 1859; proclaimed January 26, 1860.

ARTICLES.

I. Declaration of amity.
II. Deposit of treaty.
III. Promulgation.
IV. Diplomatic privileges.
V. Visit of minister to Capital.
VI. Residence of minister at the Capital.
VII. Correspondence.
VIII. Personal interviews.
IX. Naval vessels in Chinese waters.
X. Consuls authorized.
XI. United States citizens in China.
XII. Privileges in open ports.
XIII. Shipwrecks; pirates.
XIV. Open ports; clandestine trade prohibited.
XV. Commerce permitted; tariff.
XVI. Tonnage duties.
XVII. Pilots, etc.
XVIII. Control of ships, etc.
XIX. Ships' papers, etc.
XX. Customs examinations.
XXI. Reexportation.
XXII. Payment of duties.
XXIII. Transshipment of goods.
XXIV. Collection of debts.
XXV. Chinese teachers, etc.
XXVI. Trade with China in case of war.
XXVII. Rights of United States citizens.
XXVIII. Communications with officers.
XXIX. Freedom of religion.
XXX. Most favored nation privileges to United States citizens; ratification.

[a] See note as to all treaties with China, page 196.

The United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries, to wit:

The President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China; and His Majesty the Emperor of China, Kweiliang, a member of the Privy Council and Superintendent of the Board of Punishments: and Hwashana, President of the Board of Civil Office, and Major General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them being Imperial Commissioners and Plenipotentiaries;

And the said Ministers, in virtue of the respective full powers they have received from their Governments, have agreed upon the following articles:

Article I.

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

Article II.

In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of China, this treaty shall be kept and sacredly guarded in this way, viz: The original treaty, as ratified by the President of the United States, shall be deposited at Pekin, the capital of His Majesty the Emperor of China, in charge of the Privy Council; and, as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

Article III.

In order that the people of the two countries may know and obey the provisions of this treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same, and to publish it by proclamation in the gazettes where the laws of the United States of America are published by authority; and His Majesty the Emperior of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the governors of all the provinces.

ARTICLE IV.

In order further to perpetuate friendship, the Minister or Commissioner or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the Governors-General of the Two Kwangs, the provinces of Fuhkien and Chehkiang or of the Two Kiangs; and whenever he desires to have such correspondence with the Privy Council at the capital he shall have the right to send it through either of the said Governors-General or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

ARTICLE V.

The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of His Majesty the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships of war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital, he shall communicate, in writing, his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

ARTICLE VI.

If at any time His Majesty the Emperor of China shall, by treaty voluntarily made, or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

ARTICLE VII.

The superior authorities of the United States and of China, in corresponding together, shall do so on terms of equality and in form of mutual communication, (*chau-hwui*). The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communications, (*chau-hwui*).

When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial, (*chin-chin*). Private individuals, in addressing superior officers, shall employ the style of petition, (*pin-ching*). In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

ARTICLE VIII.

In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

ARTICLE IX.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

ARTICLE X.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government, (a Consul or a Vice-Consul in charge taking rank with an Intendant of circuit or a Prefect,) either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective Governments, who shall see that full inquiry and strict justice shall be had in the

premises. And the said Consuls and Agents shall carefully avoid all acts of offence to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves and everything appertaining to them, the protection of the local authorities of Government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

ARTICLE XII.

Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen or others, can freely pass and repass in the immediate neighborhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government on reciving information of the fact,

shall immediately adop measures for its relief and seurity; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

Article XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Cheh-kiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision, shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the empire.

Article XV.

At each of the ports open to commerce citizens of the United States shall be permitted to import from abroad, and sell, purchase and export all merchandise of which the importation or exportation is not prohibited by the laws of the empire. The tariff of duties to be paid by citizens of the United States, on the export and import of goods from and into China, shall be the same as was agreed upon at the treaty of Wanghia, except so far as it may be modified by treaties with other nations; it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation.

ARTICLE XVI.

Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register, which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the commissioner of customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the commissioner of customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

ARTICLE XVII.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, laborers, seamen and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the consul.

ARTICLE XVIII.

Whenever merchant vessels of the United States shall enter a port, the collector of customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

Article XIX.[a]

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo; which being done, he shall give a permit for her discharge. And the master, supercargo or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

Article XX.

The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

Article XXI.[a]

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examinations to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the

[a] See note, page 221.

amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be reexported without hindrance.

ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of imports shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the consul shall return the ship's papers. The duties shall be paid to the Shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid he shall be held responsible therefor.

ARTICLE XXIII.

When goods on board any merchant vessel of the United States in port require to be transshipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transshipment. And if any goods be transshipped without written permits they shall be subject to be forfeited to the Chinese Government.

ARTICLE XXIV.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the consular court; but neither Government will hold itself responsible for such debts.

ARTICLE XXV.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

Article XXVI.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers, full respect being paid to the neutrality of the flag of the United States, provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

Article XXVII.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China shall be subject to the jurisdiction and regulated by the authorities of their own Government; and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Article XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

Article XXIX.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall

not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.

Article XXX.

The contracting parties hereby agree that should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege and favor shall at once freely inure to the benefit of the United States, its public officers, merchants and citizens.

The present treaty of peace, amity and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the August Sovereign of the Ta Tsing Empire forthwith; and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we, the respective Plenipotentiaries of the United the August Sovereign of the Ta Tsing Empire forthwith; and the signed and sealed these presents.

Done at Tien-tsin this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and the independence of the United States of America the eighty-second, and in the eighth year of Hienfung, fifth month, and eighth day.

[SEAL.]	William B. Reed.
[SEAL.]	Kweiliang.
[SEAL.]	Hwashana.

Note to Article XIX.—On the 17th July, 1867, it had been agreed between the Chinese Government and Mr. Burlingame, United States Minister at Pekin, that, subject to ratification by the Government of the United States, Article XIX should be modified as hereinafter stated. The proposed modification having been submitted to the Senate, that body, by its resolution of January 20, 1868, did "advise and consent to the modification of the treaty between the United States and China, concluded at Tien-tsin, on the eighteenth of June, 1858, so that the nineteenth article shall be understood to include hulks and storeships of every kind under the term merchant vessels; and so that it shall provide that if the supercargo, master or consignee shall neglect, within forty-eight hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ship's papers in the hands of the Consul, or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of fifty taels for each day's delay. The total amount of penalty, however, shall not exceed two hundred taels."

Note to Article XXI.—On the 7th of April, 1863, it was agreed between Mr. Burlingame, United States Minister at Pekin, and the Government of China, that, subject to the ratification of the Government of the United States, the twenty-first article of the treaty of June 18, 1858, "shall be so modified as to permit duties to be paid when goods are re-exported from any one of the free ports of China, at the port into which they are finally imported; and that drawbacks shall be substituted for exemption certificates at all the ports, which drawbacks shall be regarded as negotiable and transferable articles, and be accepted by the custom-house from whatsoever merchant who may tender them, either for import or export duty to be paid by him."

The Senate advised and consented to this modification by resolution of February 4, 1864; and it was accepted, ratified, and confirmed by the President February 22, 1864.

1858.

Treaty Establishing Trade Regulations and Tariff.

Concluded November 8, 1858; ratification advised by the Senate March 1, 1859; ratified by the President March 3, 1859; ratifications exchanged August 15, 1859.

Article.

I. Tariff and trade regulations.

Whereas a treaty of peace, amity and commerce between the Ta Tsing Empire and the United States of America was concluded at Tien-tsin, and signed at the Temple of Hai-Kwang on the eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the eighth day of the fifth moon of the eighth year of Hienfung; which said treaty was duly ratified by His Majesty the Emperor of China on the third day of July following, and which has been now transmitted for ratification by the President of the United States, with the advice and consent of the Senate; and whereas in the said treaty it was provided, among other things, that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the treaty of Wang-hia, except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nations; and whereas since the signature of the said treaty material modifications of the said tariff and other matters of detail connected with and having relation to the said treaty have been made under mutual discussions by commissioners appointed to that end by the Plenipotentaries of China, Great Britain and France, to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty, to be as binding and of the same efficacy as though they had been inserted in the original treaty.

Article I.

The tariff and regulations of trade and transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of treaties be in force at the ports and places open to commerce.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary; and on the part of the Ta Tsing Empire Kweiliang, a member of the Privy Council, Captain General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain General of the Bordered Blue Banner Division of the Chinese Ban-

nermen, both of them Plenipotentiaries; with Ho Kwei-tsing, Governor General of the two Kiang provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these present.

Done at Shanghai this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-third, and in the eighth year of Hienfung, the tenth month and third day.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG.
HWASHANA.
HO KWEI-TSING.
MINGSHEN.
TWAN.

TARIFF ON IMPORTS.

	T.	M.	C.	C.
Agar-agar, per 100 catties	0	1	5	0
Asafœtida, per 100 catties	0	6	5	0
Beeswax, yellow, per 100 catties	1	0	0	0
Betel-nut, per 100 catties	0	1	5	0
Betel-nut, husk, per 100 catties	0	0	7	5
Bicho de Mar, black, per 100 catties	1	5	0	0
Bicho de Mar, white, per 100 catties	0	3	5	0
Birds-nests, 1st quality, per catty	0	5	5	0
Birds-nests, 2nd quality, per catty	0	4	5	0
Birds-nests, 3rd quality, or uncleaned, per catty	0	1	5	0
Buttons, brass, per gross	0	0	5	5
Camphor, baroos, clean, per catty	1	3	0	0
Camphor, baroos, refuse, per catty	0	7	2	0
Canvas and cotton-duck, not exceeding 50 yards long, per piece	0	4	0	0
Cardamoms, superior, per 100 catties	1	0	0	0
Cardamoms, inferior, or grains-of-paradise, per 100 catties	0	5	0	0
Cinnamon, per 100 catties	1	5	0	0
Clocks, five per cent ad valorem.				
Cloves, per 100 catties	0	5	0	0
Cloves, mother, per 100 catties	0	1	8	0
Coal, foreign, per ton	0	0	5	0
Cochineal, per 100 catties	5	0	0	0
Coral, per catty	0	1	0	0
Cordage, Manila, per 100 catties	0	3	5	0
Carnelians, per 100 stones	0	3	0	0
Carnelians, beads, per 100 catties	7	0	0	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton piece goods, gray, white, plain and twilled, exceeding 34 inches wide, and not exceeding 40 yards long, per piece	0	0	8	0
Cotton piece goods, exceeding 34 inches wide, and exceeding 40 yards long, per every 10 yards	0	0	2	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 30 yards long, per piece	0	0	7	5
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 48 yards long, per piece	0	0	8	0

	T.	M.	C.	C.
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 24 yards long, per piece	0	0	4	0
Cotton, dyed, figured and plain, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	5	0
Cotton, fancy, white brocade and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	1	0	0
Cotton, printed chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long, per piece	0	0	7	0
Cotton-cambrics, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	0
Cotton-cambrics, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece	0	0	7	5
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece	0	0	3	5
Cotton-damasks, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece	0	2	0	0
Cotton-dimities, or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long, per piece	0	0	6	5
Cotton-ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long, per piece	0	0	3	5
Cotton-handkerchiefs, not exceeding one yard square, per dozen	0	0	2	5
Cotton-fustians, not exceeding 35 yards long, per piece	0	2	0	0
Cotton-velveteens, not exceeding 34 yards long, per piece	0	1	5	0
Cotton-thread, per 100 catties	0	7	2	0
Cotton-yarn, per 100 catties	0	7	0	0
Cow-bezoar, Indian, per catty	1	5	0	0
Cutch, per 100 catties	0	1	8	0
Elephants' teeth, whole, per 100 catties	4	0	0	0
Elephants' teeth, broken, per 100 catties	3	0	0	0
Feathers, kingfisher's, peacock's, per 100	0	4	0	0
Fish-maws, per 100 catties	1	0	0	0
Fish-skin, per 100 catties	0	2	0	0
Flints, per 100 catties	0	0	3	0
Gambier, per 100 catties	0	1	5	0
Gamboge, per 100 catties	1	0	0	0
Ginseng, American crude, per 100 catties	6	0	0	0
Ginseng, American clarified, per 100 catties	8	0	0	0
Glass, window, per box of 100 square feet	0	1	5	0
Glue, per 100 catties	0	1	5	0
Gold-thread, real, per catty	1	6	0	0
Gold-thread, imitation, per catty	0	0	3	0
Gum-benjamin, per 100 catties	0	6	0	0
Gum-benjamin, oil of, per 100 catties	0	6	0	0
Gum, dragon's blood, per 100 catties	0	4	5	0
Gum, myrrh, per 100 catties	0	4	5	0
Gum, olibanum, per 100 catties	0	4	5	0
Hides, buffalo and cow, per 100 catties	0	5	0	0
Hides, rhinoceros, per 100 catties	0	4	2	0
Horns, buffalo, per 100 catties	0	2	5	0
Horns, deer, per 100 catties	0	2	5	0
Horns, rhinoceros, per 100 catties	2	0	0	0
Indigo, liquid, per 100 catties	0	1	8	0
Isinglass, per 100 catties	0	6	5	0
Lacquered-ware, per 100 catties	1	0	0	0
Leather, per 100 catties	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50 yards long, per piece	0	5	0	0
Linen, coarse, as linen and cotton, or silk and linen mixture, not exceeding 50 yards long, per piece	0	2	0	0
Lucraban seed, per 100 catties	0	0	3	5
Mace, per 100 catties	1	0	0	0

	T.	M.	C.	C.
Mangrove bark, per 100 catties	0	0	3	0
Metals, copper, manufactured, as in sheets, rods, nails, per 100 catties	1	5	0	0
Metals, copper, unmanufactured, as in slabs, per 100 catties	1	0	0	0
Metals, copper, yellow-metal sheathing and nails, per 100 catties	0	9	0	0
Metals, copper, Japan, per 100 catties	0	6	0	0
Metals, iron, manufactured, as in sheets, rods, bars, hoops, per 100 catties	0	1	2	5
Metals, iron, unmanufactured, as in pigs, per 100 catties	0	0	7	5
Metals, iron, kentledge, per 100 catties	0	0	1	0
Metals, iron, wire, per 100 catties	0	2	5	0
Metals, lead, in pigs, per 100 catties	0	2	5	0
Metals, lead, in sheets, per 100 catties	0	5	5	0
Metals, quicksilver	2	0	0	0
Metals, spelter, saleable only under regulations appended, per 100 catties	0	2	5	0
Metals, steel, per 100 catties	0	2	5	0
Metals, tin, per 100 catties	1	2	5	0
Metals, tin plates, per 100 catties	0	4	0	0
Mother-of-pearl shell, per 100 catties	0	2	0	0
Musical boxes, five per cent. ad valorem.				
Mussels, dried, per 100 catties	0	2	0	0
Nutmegs, per 100 catties	2	5	0	0
Olives, unpickled, salted or pickled, per 100 catties	0	1	8	0
Opium, per 100 catties	30	0	0	0
Pepper, black, per 100 catties	0	3	6	0
Pepper, white, per 100 catties	0	5	0	0
Prawns, dried, per 100 catties	0	3	6	0
Putchuck, per 100 catties	0	6	0	0
Rattans, per 100 catties	0	1	5	0
Rose maloes, per 100 catties	1	0	0	0
Salt fish, per 100 catties	0	1	8	0
Saltpetre, saleable only under regulation appended, per hundred catties	0	5	0	0
Sandal-wood, per 100 catties	0	4	0	0
Sapan-wood, per hundred catties	0	1	0	0
Sea-horse teeth, per 100 catties	2	0	0	0
Sharks' fins, black, per 100 catties	0	5	0	0
Sharks' fins, white, per 100 catties	1	5	0	0
Sharks' skins, per hundred	2	0	0	0
Silver thread, real, per catty	1	3	0	0
Silver thread, imitation, per catty	0	0	3	0
Sinews, buffalo and deer, per 100 catties	0	5	5	0
Skins, fox, large, each	0	1	5	0
Skins, fox, small, each	0	0	7	5
Skins, marten, each	0	1	5	0
Skins, sea-otter, each	1	5	0	0
Skins, tiger and leopard, each	0	1	5	0
Skins, beaver, per hundred	5	0	0	0
Skins, doe, hare, and rabbit, per hundred	0	5	0	0
Skins, squirrel, per hundred	0	5	0	0
Skins, land-otter, per hundred	2	0	0	0
Skins, racoon, per hundred	2	0	0	0
Smalts, per 100 catties	1	5	0	0
Snuff, foreign, per 100 catties	7	2	0	0
Sticklac, per 100 catties	0	3	0	0
Stockfish, per 100 catties	0	5	0	0
Sulphur and brimstone, (saleable only under regulation appended,) per 100 catties	0	2	0	0
Telescopes, spy and opera glasses, looking-glasses, mirrors, 5 per cent. ad valorem.				
Tigers' bones, per 100 catties	1	5	5	0
Timber, masts and spars, hard-wood, not exceeding 40 feet, each	4	0	0	0
Timber, masts and spars, hard-wood, not exceeding 60 feet, each	6	0	0	0

	T.	M.	C.	C.
Timber, masts and spars, hard-wood, exceeding 60 feet each	10	0	0	0
Timber, masts and spars, soft-wood, not exceeding 40 feet each	2	0	0	0
Timber, masts and spars, soft-wood, not exceeding 60 feet each	4	5	0	0
Timber, masts and spars, soft-wood, exceeding 60 feet each	6	5	0	0
Timber, beams, hard-wood, not exceeding 26 feet long, and under 12 inches square, each	0	1	5	0
Timber, planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and 3 inches thick, per 100	3	5	0	0
Timber, planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and 3 inches thick, per 100	2	0	0	0
Timber, plank, soft-wood, per 1,000 square feet	0	7	0	0
Timber, plank, teak, per cubic foot	0	0	3	5
Tinder, per 100 catties	0	3	5	0
Tortoise-shell, per catty	0	2	5	0
Tortoise-shell, broken, per catty	0	0	7	2
Umbrellas, each	0	0	3	5
Velvets, not exceeding 34 yards long, per piece	0	1	8	0
Watches, per pair	1	0	0	0
Watches, émaillées à perles, per pair	4	5	0	0
Wax, Japan, per 100 catties	0	6	5	0
Woods, camagon, per 100 catties	0	0	3	0
Woods, ebony, per 100 catties	0	1	5	0
Woods, garroo, per 100 catties	2	0	0	0
Woods, fragrant, per 100 catties	0	4	5	0
Woods, kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick, each	0	8	0	0
Woods, laka, per 100 catties	0	1	4	5
Woods, red, per 100 catties	0	1	1	5
Woollen manufactures, viz, blankets, per pair	0	2	0	0
Woollen broadcloth and Spanish stripes, habit and medium cloth, 51 @ 64 inches wide, per chang	0	1	2	0
Woollen, long ells, 31 inches wide, per chang	0	0	4	5
Woollen camlets, English, 31 inches wide, per chang	0	0	5	0
Woollen camlets, Dutch, 33 inches wide, per chang	0	1	0	0
Woollen camlets, imitation and bombazettes, per chang	0	0	3	5
Woollen cassimeres, flannel, and narrow cloth, per chang	0	0	4	0
Woollen lastings, 31 inches wide, per chang	0	0	5	0
Woollen lastings, imitation and Orleans, 34 inches wide, per chang	0	0	3	5
Woollen bunting, not exceeding 24 inches wide, 40 yards long, per piece	0	2	0	0
Woollen and cotton mixtures, viz, lustres, plain and brocaded, not exceeding 31 yards long, per piece	0	2	0	0
Woollen, inferior Spanish stripes, per chang	0	1	0	0
Woollen yarn, per 100 catties	3	0	0	0

TARIFF ON EXPORTS.

Alum, per 100 catties	0	0	4	5
Alum, green or copperas, per 100 catties	0	1	0	0
Anise-seed, star, per 100 catties	0	5	0	0
Anise-seed, broken, per 100 catties	0	2	5	0
Anise-seed, oil, per 100 catties	5	0	0	0
Apricot seeds, or almonds, per 100 catties	0	4	5	0
Arsenic, per 100 catties	0	4	5	0
Artificial flowers, per 100 catties	1	5	0	0
Bamboo ware, per 100 catties	0	7	5	0
Bangles, or glass armlets, per 100 catties	0	5	0	0
Beans and peas, (except from New Chwang and Tang Chow,) per 100 catties	0	0	6	0
Bean cake, (except from New Chwang and Tang Chow,) per 100 catties	0	0	3	5
Bone and horn ware, per 100 catties	1	5	0	0
Brass buttons, per 100 catties	3	0	0	0
Brass foil, per 100 catties	1	5	0	0
Brass ware, per 100 catties	1	0	0	0

	T.	M.	C.	C.
Brass ware, per 100 catties	1	1	5	0
Camphor, per 100 catties	0	7	5	0
Canes, per thousand	0	5	0	0
Cantharides, per 100 catties	2	0	0	0
Capoor cutchery, per 100 catties	0	3	0	0
Carpets and druggets, per hundred	3	5	0	0
Cassia lignea, per 100 catties	0	6	0	0
Cassia buds, per 100 catties	0	8	0	0
Cassia twigs, per 100 catties	0	1	5	0
Cassia oil, per 100 catties	9	0	0	0
Castor oil, per 100 catties	9	2	0	2
Chestnuts, per 100 catties	0	1	0	0
China root, per 100 catties	0	1	3	0
Chinaware, fine, per 100 catties	0	9	0	0
Chinaware, coarse, per 100 catties	0	4	5	0
Cinnabar, per 100 catties	0	7	5	0
Clothing, cotton, per 100 catties	1	5	0	0
Clothing, silk, per 100 catties	10	0	0	0
Coal, per 100 catties	0	0	4	0
Coir, per 100 catties	0	1	0	0
Copper ore, per 100 catties	0	5	0	0
Copper sheathing, old, per 100 catties	0	5	0	0
Copper and pewter ware, per 100 catties	1	1	5	0
Corals, false, per 100 catties	0	3	5	0
Cotton, raw, per 100 catties	0	3	5	0
Cotton rags, per 100 catties	0	0	4	5
Cow bezoar, per catty	0	3	6	0
Crackers, fireworks, per 100 catties	0	5	0	0
Cubebs, per 100 catties	1	5	0	0
Curiosities, antiques, 5 per cent. ad valorem.				
Dates, black, per 100 catties	0	1	5	0
Dates, red, per 100 catties	0	0	9	0
Dye, green, per catty	0	8	0	0
Eggs, preserved, per thousand	0	3	5	0
Fans, feather, per hundred	0	7	5	0
Fans, paper, per hundred	0	0	4	5
Fans, palm leaf, trimmed, per thousand	0	3	6	0
Fans, palm leaf, untrimmed, per thousand	0	2	0	0
Felt cuttings, per 100 catties	0	1	0	0
Felt caps, per hundred	1	2	5	0
Fungus, or agaric, per 100 catties	0	6	0	0
Galangal, per 100 catties	0	1	0	0
Garlic, per 100 catties	0	0	3	5
Ginseng, native, 5 per cent. ad valorem.				
Ginseng, Corean or Japan, first quality, per catty	0	5	0	0
Ginseng, Corean or Japan, second quality, per catty	0	3	5	0
Glass beads, per 100 catties	0	5	0	0
Glass, or vitrified ware, per 100 catties	0	5	0	0
Grass-cloth, fine, per 100 catties	2	5	0	0
Grass-cloth, coarse, per 100 catties	0	7	5	0
Ground-nuts, per 100 catties	0	1	0	0
Ground-nuts, cake, per 100 catties	0	0	3	0
Gypsum, ground, or plaster of Paris, per 100 catties	0	0	3	0
Hair, camels', per 100 catties	1	0	0	0
Hair, goats', per 100 catties	0	1	8	0
Hams, per 100 catties	0	5	5	0
Hartall, or orpiment, per 100 catties	0	3	5	0
Hemp, per 100 catties	0	3	5	0
Honey, per 100 catties	0	9	0	0
Horns, deer's, young, per pair	0	9	0	0
Horns, deer's, old, per 100 catties	1	3	5	0
India ink, per 100 catties	4	0	0	0
Indigo, dry, per 100 catties	1	0	0	0
Ivory ware, per catty	0	1	5	0
Joss sticks, per 100 catties	0	2	0	0

	T.	M.	C.	C.
Kittysols, or paper umbrellas, per hundred	0	5	0	0
Lacquered ware, per 100 catties	1	0	0	0
Lamp-wicks, per 100 catties	0	6	0	0
Lead, red, (minimum,) per 100 catties	0	3	5	0
Lead, white, (ceruse,) per 100 catties	0	3	5	0
Lead, yellow, (massicot,) per 100 catties	0	3	5	0
Leather articles, as pouches, purses, per 100 catties	1	5	0	0
Leather, green, per 100 catties	1	8	0	0
Lichees, per 100 catties	0	2	0	0
Lily flowers, dried, per 100 catties	0	2	7	0
Lily-seed, or lotus nuts, per 100 catties	0	5	0	0
Licorice, per 100 catties	0	1	3	5
Lung-ngan, per 100 catties	0	2	5	0
Lung-ngan, without the stone, per 100 catties	0	3	5	0
Manure-cakes, or poudrette, per 100 catties	0	0	9	0
Marble slabs, per 100 catties	0	2	0	0
Mats of all kinds, per hundred	0	2	0	0
Matting, per roll of 40 yards	0	2	0	0
Melon-seeds, per 100 catties	0	1	0	0
Mother-o'-pearl ware, per catty	0	1	0	0
Mushrooms, per 100 catties	1	5	0	0
Musk, per catty	0	9	0	0
Nankeen and native cotton cloths, per 100 catties	1	5	0	0
Nutgalls, per 100 catties	0	5	0	0
Oil, as bean, tea, wood, cotton, and hemp-seed, per 100 catties	0	3	0	0
Oiled paper, per 100 catties	0	4	5	0
Olive-seed, per 100 catties	0	3	0	0
Oyster-shells, sea-shells, per 100 catties	0	0	9	0
Paint, green, per 100 catties	0	4	5	0
Palampore, or cotton bedquilts, per hundred	2	7	5	0
Paper, 1st quality, per 100 catties	0	7	0	0
Paper, 2d quality, per 100 catties	0	4	0	0
Pearls, false, per 100 catties	2	0	0	0
Peel, orange, per 100 catties	0	3	0	0
Peel, pumelo, 1st quality, per 100 catties	0	4	5	0
Peel, pumelo, 2d quality, per 100 catties	0	1	5	0
Peppermint leaf, per 100 catties	0	1	0	0
Peppermint oil, per 100 catties	3	5	0	0
Pictures and paintings, each	0	1	0	0
Pictures on pith or rice paper, per hundred	0	1	0	0
Pottery, earthenware, per 100 catties	0	0	5	0
Preserve, comfits and sweetmeats, per 100 catties	0	5	0	0
Rattans, split, per 100 catties	0	2	5	0
Rattan ware, per 100 catties	0	3	0	0
Rhubard, per 100 catties	1	2	5	0
Rice or paddy, wheat, millet, and other grains, per 100 catties	0	1	0	0
Rugs of hair or skin, each	0	0	9	0
Samshoo, per 100 catties	0	1	5	0
Sandal-wood ware, per catty	0	1	0	0
Sea-weed, per 100 catties	0	1	5	0
Sesamum seed, per 100 catties	0	1	3	5
Shoes and boots, leather or satin, per one hundred pairs	3	0	0	0
Shoes, straw, per one hundred pairs	0	1	8	0
Silk, raw and thrown, per 100 catties	10	0	0	0
Silk, yellow, from Szechuen, per 100 catties	7	0	0	0
Silk, reeled from Dupions, per 100 catties	5	0	0	0
Silk, wild raw, per 100 catties	2	5	0	0
Silk, refuse, per 100 catties	1	0	0	0
Silk, cocoons, per 100 catties	3	0	0	0
Silk, floss, Canton, per 100 catties	4	3	0	0
Silk, floss, from other provinces, per 100 catties	10	0	0	0
Silk, ribbons and thread, per 100 catties	10	0	0	0
Silk, piece goods, pongees, shawls, scarfs, crape, satin, gauze, velvet and embroidered goods, per 100 catties	12	0	0	0
Silk, piece goods, Szechuen and Shantung, per 100 catties	4	5	0	0

	T.	M.	C.	C.
Silk, tassels, per 100 catties	10	0	0	0
Silk caps, per hundred	0	9	0	0
Silk and cotton mixtures, per 100 catties	5	5	0	0
Silver and gold ware, per 100 catties	10	0	0	0
Snuff, per 100 catties	0	8	0	0
Soy, per 100 catties	0	4	0	0
Straw braid, per 100 catties	0	7	0	0
Sugar, brown, per 100 catties	0	1	2	0
Sugar, white, per 100 catties	0	2	0	0
Sugar, candy, per 100 catties	0	2	5	0
Tallow, animal, per 100 catties	0	2	0	0
Tallow, vegetable, per 100 catties	0	3	0	0
Tea, per 100 catties	2	5	0	0
Tin-foil, per 100 catties	1	2	5	0
Tobacco, prepared, per 100 catties	0	4	5	0
Tobacco, leaf, per 100 catties	0	1	5	0
Tortoise-shell ware, per catty	0	2	0	0
Trunks, leather, per 100 catties	1	5	0	0
Turmeric, per 100 catties	0	1	0	0
Twine, hemp, Canton, per 100 catties	0	1	5	0
Twine, hemp, Soochow, per 100 catties	0	5	0	0
Turnips, salted, per 100 catties	0	1	8	0
Varnish, or crude lacquer, per 100 catties	0	5	0	0
Vermicelli, per 100 catties	0	1	8	0
Vermillion, per 100 catties	2	5	0	0
Wax, white or insect, per 100 catties	1	5	0	0
Wood, piles, poles and joists, each	0	0	3	0
Wood ware, per 100 catties	1	1	5	0
Wool, per 100 catties	0	3	5	0

[SEAL.] WILLIAM B. REED.

RULE I.

Unenumerated goods.

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, shall pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports.

Articles not enumerated in either list, nor in the list of duty-free goods, shall pay an ad valorem duty of five per cent., calculated upon their market value.

RULE II.

Duty-free goods.

Gold and silver bullion, foreign coins, flour, Indian-meal, sago, biscuit, preserved meats, and vegetables.

Cheese, butter, confectionery.

Foreign clothing, jewelry, plated ware, perfumery, soap of all kinds.

Charcoal, firewood, candles, (foreign,) tobacco, (foreign,) cigars, (foreign.)

Wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpeting, druggeting, cutlery, foreign medicines and glass and crystal ware.

The above commodities pay no import or export duty; but, if transported into the interior, will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of two and a half per cent. ad valorem.

A freight or part freight of duty-free goods (personal baggage, gold and silver bullion and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

Rule III.

Contraband goods.

Import and export trade is alike prohibited in the following articles:
Gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols and all other munitions and implements of war, and salt.

Rule IV.

Weights and measures.

In the calculations of the tariff the weight of a pecul of one hundred catties is held to be equal to one hundred and thirty-three and one-third pounds avoirdupois, and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.
One Chinese *chih* is held to equal fourteen and one-tenth inches English, and four yards English, less three inches, to equal one *chang*.

Rule V.

Regarding certain commodities heretofore contraband.

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, are relaxed under the following conditions:
1. Opium will henceforth pay thirty taels per pecul import-duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provision of the treaty of Tien-tsin, conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade or paying transit-duties, shall not extend to the article of opium, the transit-duties on which will be arranged as the Chinese Government see fit; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.
2. *Copper-cash.*—The export of cash to any foreign port is prohibited; but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another on compliance with the following regulation: The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped.
Cash will pay no duty inwards or outwards, but a freight, or part freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.
3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited; but these commodities may be carried by citizens of the United States from one of the open ports of China to another, under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the tariff.
No import duty shall be levyable upon rice or grain, but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.
4. *Pulse.*—The export of pulse and bean cake from Tang-Chau, and Niu-Chwang, under the American flag is prohibited. From any of the other open ports they may be shipped, on payment of the tariff duty, either to other ports of China or to foreign countries.
5. Saltpetre, sulphur, brimstone and spelter, being deemed by the Chinese to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these

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commodities up the Yang-tsz-Kiang, or into any port other than those open on the sea-board, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and, except at the ports, they will be regarded as Chinese property.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

Rule VI.

Liability of vessels entering port.

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the Consul within twenty-four hours, counting from the time the vessel comes within the limits of the port, and that the same rule be applied to the forty-eight hours allowed by art. XIX of the treaty to remain in port without payment of tonnage dues.

The limits of the ports shall be defined by the customs, with all consideration for the convenience of trade, compatible with due protection of the revenue; also, the limits of the anchorages within which lading and discharging are permitted by the customs, and the same shall be notified to the Consuls for public information.

Rule VII.

Transit-dues.

It is agreed that the amount of transit-dues legally levyable upon merchandise imported or exported shall be one-half the tariff duties, except in the case of the duty free goods liable to a transit-duty of two and a half per cent. *ad valorem*, as provided in No. II. of these rules.

Merchandise shall be cleared of its transit dues under the following regulations:

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the collector of customs shall, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station, and viséed. No further duty will be levyable upon imports so certificated, no matter how distant the place of their destination.

In the case of exports. Produce purchased by a citizen of the United States in the interior will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port notice must be given to the customs at the port, and the transit dues due thereon being paid it will be passed. On exportation the produce will pay the tariff duty.

Any attempt to pass goods inward or outward, otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale *in transitu* of goods that have been entered as above for a port will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit-dues will be refused by the customs until the transit dues shall have been paid.

Rule VIII.

Trade with the capital.

It is agreed that no citizen of the United States shall have the privilege of entering the capital city of Peking for the purpose of trade.

RULE IX.

Abolition of the meltage fee.

It is agreed that the percentage of one tael, two mace hitherto charged, in excess of duty payments, to defray the expenses of melting by the Chinese Government, shall no longer be levied on citizens of the United States.

RULE X.

Collection of duties under one system at all ports.

It being, by treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade, it is agreed that one uniform system shall be enforced at every port.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port boundaries, or in discharging the duties of harbor-master; also in the distribution of lights, buoys, beacons and the like, the maintenance of which shall be provided for out of the tonnage dues.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz-Kiang, when that river shall be open to trade.

[SEAL.] WILLIAM B. REED.

1858.[a]

CLAIMS CONVENTION.

Concluded November 8, 1858; ratification advised by the Senate March 1, 1859; ratified by the President March 3, 1859; ratifications exchanged August 15, 1859.

ARTICLES.

I. Liquidation of claims of American citizens.

In order to carry into effect the convention made at Tien-tsin by the High Commissioners and Plenipotentiaries respectively representing the United States of America and the Ta Tsing Empire, for the satisfaction of claims of American citizens, by which it was agreed that one-fifth of all tonnage, import and export-duties, payable on American ships and goods shipped in American vessels at the ports of Canton, Shanghai, and Fuh-chau, to an amount not exceeding six hundred thousand taels, should be applied to that end; and the Plenipotentiary of the United States, actuated by a friendly feeling towards China, is willing, on behalf of the United States, to reduce the amount needed for such claims to an aggregate of five hundred thousand taels, it is now expressly agreed by the high contracting parties in the form of a supplementary convention, as follows:

ARTICLE I.

That on the first day of the next Chinese year the collectors of customs at the said three ports shall issue debentures to the amount of

[a] See note concerning all treaties with China, page 196.

five hundred thousand taels, to be delivered to such persons as may be named by the Minister or chief diplomatic officer of the United States in China, and it is agreed that the amount shall be distributed as follows: Three hundred thousand taels at Canton, one hundred thousand taels at Shanghai, and one hundred thousand taels at Fuhchau, which shall be received in payment of one-fifth of the tonnage, export and import-duties on American ships, or goods in American ships at the said ports, and it is agreed that this amount shall be in full liquidation of all claims of American citizens at the various ports to this date.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, that is to say, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary, and on the part of the Ta Tsing Empire, Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with Ho-Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai, this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third, and in the eighth year of Heinfung, the tenth month and third day.

[SEAL.] WILLIAM B. REED.

[SEAL.] KWEILIANG.
HWASHANA.
HO-KWEI-TSING.
MINGSHEN.
TWAN.

Under the foregoing convention $735,238.97 was paid to the United States minister and a commission appointed to decide upon the claims. The commission awarded claimants $489,187.95, and the Chinese Government refusing to receive the surplus it was finally transmitted to the United States and invested in government bonds.

From this fund there was paid out by the Secretary of State for claims against China $281,319.64, and on April 24, 1885, the balance, amounting to $453,400.90, was returned to the Chinese minister at Washington.

1868.[a]

Treaty of Trade, Consuls, and Emigration.

Concluded July 28, 1868; ratification advised by the Senate with amendments July 24, 1868; amendments incorporated in the treaty July 28, 1868; ratified by the President, October 19, 1868; ratifications exchanged November 23, 1869; proclaimed February 5, 1870.

Articles.

I. Jurisdiction over land in China.
II. Regulation of commerce.
III. Chinese consuls.
IV. Religious freedom.
V. Voluntary emigration.
VI. Privileges of travel and residence.
VII. Education.
VIII. Internal improvements in China.

Whereas since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the eighteenth of June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the August Sovereign of the Ta Tsing Empire, have named for their Plenipotentiaries to wit: The President of the United States of America, William H. Seward, Secretary of State, and His Majesty the Emperior of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated High Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

Article I.

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concessions or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their

[a] See Treaty of June 18, 1858, and Treaty of October 8, 1903. Also, see note as to all treaties with China, page 196. Federal cases: Chae Chan Ping *v.* U. S. (130 U. S., 581), Ex parte Lau Ow Bew (141 U. S., 583), Lau Ow Bew *v.* U. S. (144 U. S., 47), Fong Yue Ting *v.* U. S. (149 U. S., 698), In re Ah Fong (5 Sawy., 144), Chapman *v.* Toy Long (4 Sawy., 28), Baker *v.* Portland (5 Sawy., 566), In re Wong Yung Quy (6 Sawy., 237, 442), In re Ah Chong (6 Sawy., 451), In re Parrott (1 Fed. Rep., 481), U. S. *v.* Douglas (17 Fed. Rep., 634).

property. It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

ARTICLE III.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

ARTICLE IV.

The twenty-ninth article of the treaty of the eighteenth of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agreed to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

ARTICLE VIII.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, His Majesty the Emperor of China reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding, it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned, within the empire, and shall make application to the United States or any other western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property and paying them a reasonable compensation for their service.

In faith whereof the respective Plenipotentiaries have signed this treaty and thereto affixed the seals of their arms.

Done at Washington the twenty-eighth day of July, in the year of our Lord, one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
ANSON BURLINGAME.
[SEAL.] CHIH-KANG.
SUN CHIA-KU.

1880.

Immigration Treaty.[a]

Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.

Articles.

I. Suspension of Chinese immigration.
II. Rights of Chinese in the United States.
III. Protection of Chinese in the United States.
IV. Notification of legislation; ratification.

Whereas, in the eighth year of Hsien Feng, anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

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[a] See note as to all treaties with China, page 196; also treaty of 1894. Federal cases: Chew Heong *v.* U. S. (112 U. S., 536), Yick Wo *v.* Hopkins (118 U. S., 356), Baldwin *v.* Franks (120 U. S., 678), U. S. *v.* Jung Ah Lung (124 U. S., 621), Chae Chan Ping *v.* U. S. (130 U. S., 581), Wan Shing *v.* U. S. (140 U. S., 424), Ex parte Lau Ow Bew (141 U. S., 583), Lau Ow Bew *v.* U. S. (144 U. S., 47), Fong Yue Ting *v.* U. S. (149 U. S., 648), In re Ah Kee (22 Blatch., 520), In re Ah Lung (9 Sawy., 306), In re Leong Yick Dew (10 Sawy., 38), In re Ah Quan (10 Sawy., 222), In re Shong Toon (10 Sawy., 268), In re Ah Moy (10 Sawy., 345), In re Chew Heong (10 Sawy., 361), In re Quong Woo (13 Fed. Rep., 229), Case of Chinese Merchant (13 Fed. Rep., 605), In re Moncan (14 Fed. Rep., 44), In re Ho King (14 Fed. Rep., 724), U. S. *v.* Douglass (17 Fed. Rep., 634), In re Chin Ah On (18 Fed. Rep., 506), In re Pong Ah Chee (18 Fed. Rep., 527), In re Tung Yeong (19 Fed. Rep., 184), Case of Chinese Wife (21 Fed. Rep., 785), Case of Chinese Laborer (21 Fed. Rep., 791), In re Ah Ping (23 Fed. Rep., 329), In re Chae Chan Ping (36 Fed. Rep., 431), In re Chung Toy Ho (42 Fed. Rep., 398), U. S. *v.* Ah Fawn (57 Fed. Rep., 591), U. S. *v.* Yonk Yew (83 Fed. Rep., 832).

ARTICLE I.

Whenever in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting Powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States Minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

[SEAL.]	JAMES B. ANGELL.
[SEAL.]	JOHN F. SWIFT.
[SEAL.]	WM. HENRY TRESCOT.
[SEAL.]	PAO CHÜN.
[SEAL.]	LI HUNGTSAO.

1880.[a]

TREATY AS TO COMMERCIAL INTERCOURSE AND JUDICIAL PROCEDURE.

Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.

ARTICLES.

I. Commercial relations.
II. Importation of opium forbidden.
III. Equality of duties.
IV. Trials of actions in China.

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing treaties between the two governments, have named as their commissioners plenipotentiary, that is to say:

The President of the United States, James B. Angell of Michigan, John F. Swift of California, and William Henry Trescot of South Carolina;

His Imperial Majesty, the Emperor of China, Pao Chün, a member of His Imperial Majesty's privy council and Superintendent of the board of civil office, and Li Hungtsao, a member of His Imperial Majesty's privy council, who have agreed upon and concluded the following additional articles:

ARTICLE I.

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still further to promote such relations between the citizens and subjects of the two powers, mutually agree to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to

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[a] See note as to all treaties with China, page 196.

vessels owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

ARTICLE III.

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States; or upon the produce, manufactures or merchandise imported in the same from the United States; or from any foreign country; or upon the produce, manufactures or merchandise exported in the same to the United States or to any foreign country; or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage-dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States; or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage-dues or duties on imports, exports or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

ARTICLE IV.

When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese, being three

originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking this seventeenth day of November, in the year of our Lord, 1880, Kuanghsü, sixth year, tenth moon, fifteenth day.

[SEAL.]	JAMES B. ANGELL.
[SEAL.]	JOHN F. SWIFT.
[SEAL.]	WM. HENRY TRESCOT.
[SEAL.]	PAO CHÜN.
[SEAL.]	LI HUNGTSAO.

1894.[a]

CONVENTION REGULATING CHINESE IMMIGRATION.[b]

Concluded March 17, 1894; ratification advised by the Senate August 13, 1894; ratified by the President August 22, 1894; ratifications exchanged December 7, 1894; proclaimed December 8, 1894.

ARTICLES.

I. Immigration of Chinese laborers prohibited for ten years.
II. Regulations for return to the United States.
III. Classes of Chinese not affected.
IV. Protection of Chinese in the United States.
V. Registration of citizens in China.
VI. Duration.

Whereas, on the 17th day of November A. D. 1880, and of Kwanghsü, the sixth year, tenth moon, fifteenth day, a Treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to co-operate in prohibiting such immigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his Plenipotentiary, and His Imperial Majesty, the Emperor of China has appointed Yang Yü, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Pleni-

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[a] This treaty terminated December 7, 1904, on notice given by the Chinese Government.

[b] Lin Hop Feng *v.* U. S. (209 U. S., 453), U. S. *v.* Chun Hoy (11 Fed. Rep., 899), In re Yung (111 Fed. Rep., 998), U. S. *v.* Lee (113 Fed. Rep., 465), In re Ong Lung (125 Fed. Rep., 814), Hong Wing *v.* U. S. (142 Fed. Rep., 128).

potentiary; and the said Plenipotentiaries having exhibited their respective Full Powers found to be in due and good form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II.

The preceding Article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the

course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880, (the 15th day of the tenth month of Kwanghsü, sixth year) it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

The Government of the United States, having by an Act of the Congress, approved May 5, 1892, as amended by an Act approved November 3, 1893, required all Chinese laborers lawfuly within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled, (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

ARTICLE VI.

This Convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof, we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM [SEAL.]
YANG YÜ. [SEAL.]

1899.

Open-door Policy in China.

Message from the President of the United States, transmitting a report from the Secretary of State, with copies of correspondence with various foreign governments concerning American commercial rights in China.

To the House of Representatives:

In response to the resolution of the House of Representatives of March 24, 1900, reading as follows:

Whereas the commercial community of the United States is deeply interested in ascertaining the conditions which are to govern trade in such parts of the Chinese Empire as are claimed by various foreign powers to be within their "areas of interest;" and

Whereas bills are now pending before both Houses of Congress for the dispatch of a mission to China to study its economic conditions: Therefore, be it

Resolved, That the President of the United States be requested to transmit to the House of Representatives, if not incompatible with the public service, such correspondence as may have passed between the Department of State and various foreign governments concerning the maintenance of the "open-door" policy in China,

I transmit herewith a report from the Secretary of State, with accompanying papers.

William McKinley.

Executive Mansion,
Washington, March 27, 1900.

The President:

The undersigned, the Secretary of State, has the honor to transmit herewith, as called for by the resolution of the House of Representatives of March 24, 1900, copies of correspondence which has passed between the Department of State and the Governments of France, Germany, Great Britain, Italy, Japan, and Russia concerning American commercial rights in China.

Respectfully submitted.

John Hay.

Department of State,
Washington, March 26, 1900.

CORRESPONDENCE CONCERNING AMERICAN COMMERCIAL RIGHTS IN CHINA.

FRANCE.

Mr. Hay to Mr. Vignaud.

Department of State,
Washington, September 6, 1899.

Sir: I have to inclose, for your confidential information, copies of instructions I have sent under this date to the United States ambassa-

dors at London, Berlin, and St. Petersburg in reference to the desire of this Government that the Governments of Great Britain, Germany, and Russia make formal declaration of an " open-door " policy in the territories held by them in China.

I am, etc., JOHN HAY.

(Inclosures:) To London, No. 205, September 6, 1899; to Berlin, No. 927, September 6, 1899; to St. Petersburg, No. 82, September 6, 1899.

Mr. Hay to Mr. Porter.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 21, 1899.

PORTER, *Ambassador, Paris:*

Informally submit to French Government form of declaration outlined in inclosures with instruction No. 664 September 6, and ask whether France will join.

HAY.

Mr. Delcassé to Mr. Porter.

Particulier.] AFFAIRES ETRANGÈRES.

[Received at United States embassy at Paris December 16, 1899.]

MON CHER AMBASSADEUR: Je trouve votre mot en rentrant. Des déclarations que j'ai apportées à la tribune de la Chambre le 24 Novembre dernier et que j'ai eu depuis l'occasion de vous rappeler, se dégage clairement le sentiment du Gouvernement de la République; il désire dans toute la Chine, et, sous la réserve toute naturelle que toutes les puissances intéressées affirmeront leur volonté d'agir de même, il est prêt à appliquer dans les territoires qui sont cédés à bail, un traitement égal pour les citoyens et sujets de toutes les nations, notamment en ce qui concerne les taxes douanières et de navigation ainsi que les tarifs de transport par chemins de fer.

Je vous prie, mon cher Ambassadeur, d'agréer avec la nouvelle expression de mes sentiments dévoués l'assurance de ma plus haute considération.

DELCASSÉ.

[Translation.]

FOREIGN AFFAIRS.

MY DEAR AMBASSADOR: I find your note awaiting me on my return. The declarations which I made in the Chamber on the 24th of November last, and which I have had occasion to recall to you since then, show clearly the sentiments of the Government of the Republic. It desires throughout the whole of China and, with the quite natural reservation that all the powers interested give an assurance of their

willingness to act likewise, is ready to apply in the territories which are leased to it, equal treatment to the citizens and subjects of all nations, especially in the matter of customs duties and navigation dues, as well as transportation tariffs on railways.

I beg you, my dear ambassador, to accept, etc.

DELCASSÉ.

GERMANY.

Mr. Hay to Mr. White.

DEPARTMENT OF STATE,
Washington, September 6, 1899.

SIR: At the time when the Government of the United States was informed by that of Germany that it had leased from His Majesty the Emperor of China the port of Kiao-chao and the adjacent territory in the province of Shantung, assurances were given to the ambassador of the United States at Berlin by the Imperial German minister for foreign affairs that the rights and privileges insured by treaties with China to citizens of the United States would not thereby suffer or be in anywise impaired within the area over which Germany had thus obtained control.

More recently, however, the British Government recognized by a formal agreement with Germany the exclusive right of the latter country to enjoy in said leased area and the contiguous "sphere of influence or interest" certain privileges, more especially those relating to railroads and mining enterprises; but, as the exact nature and extent of the rights thus recognized have not been clearly defined, it is possible that serious conflicts of interest may at any time arise, not only between British and German subjects within said area, but that the interests of our citizens may also be jeopardized thereby.

Earnestly desirous to remove any cause of irritation and to insure at the same time to the commerce of all nations in China the undoubted benefits which should accrue from a formal recognition by the various powers claiming "spheres of interest" that they shall enjoy perfect equality of treatment for their commerce and navigation within such "spheres," the Government of the United States would be pleased to see His German Majesty's Government give formal assurances and lend its cooperation in securing like assurances from the other interested powers that each within its respective sphere of whatever influence—

First. Will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied

on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

The liberal policy pursued by His Imperial German Majesty in declaring Kiao-chao a free port and in aiding the Chinese Government in the establishment there of a custom-house are so clearly in line with the proposition which this Government is anxious to see recognized that it entertains the strongest hope that Germany will give its acceptance and hearty support.

The recent ukase of His Majesty the Emperor of Russia declaring the port of Ta-lien-wan open during the whole of the lease under which it is held from China, to the merchant ships of all nations, coupled with the categorical assurances made to this Government by His Imperial Majesty's representative at this capital at the time, and since repeated to me by the present Russian ambassador, seem to insure the support of the Emperor to the proposed measure. Our ambassador at the Court of St. Petersburg has, in consequence, been instructed to submit it to the Russian Government and to request their early consideration of it. A copy of my instruction on the subject to Mr. Tower is herewith inclosed for your confidential information.

The commercial interests of Great Britain and Japan will be so clearly served by the desired declaration of intentions, and the views of the Governments of these countries as to the desirability of the adoption of measures insuring the benefits of equality of treatment of all foreign trade throughout China are so similar to those entertained by the United States, that their acceptance of the propositions herein outlined and their cooperation in advocating their adoption by the other powers can be confidently expected. I inclose herewith copy of the instruction which I have sent to Mr. Choate on the subject.

In view of the present favorable conditions, you are instructed to submit the above considerations to His Imperial German Majesty's minister for foreign affairs, and to request his early consideration of the subject.

Copy of this instruction is sent to our ambassadors at London and at St. Petersburg for their information.

I have, etc., JOHN HAY.

(Inclosures:) To London, September 6, 1899, No. 205; to St. Petersburg, September 6, 1899, No. 82.

Mr. Jackson to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Berlin, December 4, 1899.

I have just had a conversation with secretary of state for foreign affairs, who stated that the politics of Germany in the extreme Orient are de facto the politics of the open door, and Germany proposes to maintain this principle in the future. Germany does not wish the

question to become the subject of controversy between the different powers engaged in China. She thinks it would be advantageous for the United States Government to confer with other European governments having interests in China. If the other cabinets adhere to the proposal of the United States Government Germany will raise no objection, and Germany is willing to have the Government of the United States inform these other cabinets that no difficulty will come from her if the other cabinets agree.

JACKSON, *Chargé.*

Count von Bülow to Mr. White.

AUSWÄRTIGES AMT,
Berlin, den 19 Februar, 1900.

HERR BOTSCHAFTER: Eure Excellenz hatten mir mittelst eines am 24. v. M. hier übergebenen Memorandums mitgetheilt, dass die Regierung der Vereinigten Staaten von Amerika von allen Mächten, an welche eine gleiche Anfrage wie in Eurer Excellenz Schreiben vom 26. September v. J., betreffend die Politik der offenen Thür in China, ergangen war, zufriedenstellende schriftliche Antworten erhalten habe. Eure Excellenz hatten unter Hinweis hierauf den Wunsch ausgedrückt, dass nunmhr auch die Kaiserliche Regierung ihre Antwort in schriftlicher Form ertheilen möge.

Indem ich diesen Wunsche gern entspreche, beehre ich mich in Wiederholung bereits mündlich ertheilter Aufschlüsse Folgendes zu Eurer Excellenz Kenntniss zu bringen: Wie die Regierung der Vereinigten Staaten von Amerika nach Eurer Excellenz erwähntem Schreiben vom 26. September v. J. anerkannt, hat die Kaiserliche Regierung in ihrem chinesischen Besitz den Grundsatz völliger Gleichbehandlung aller Nationen in Bezug auf Handel, Schifffahrt und Verkehr von Anfang an nicht allein aufgestellt, sondern auch praktisch im weitesten Umfange durchgeführt. Die Kaiserliche Regierung hegt nicht die Absicht von diesem Grundsatz, welche jede wirthschaftliche Benachtheiligung oder Zurücksetzung von Angehörigen der Vereinigten Staaten von Amerika von vornherein ausschliesst, in Zukunft abzugehen, so lange sie nicht durch abweichendes Verhalten anderer Regierungen aus Reciprocitätsrücksichten hierzu genöthigt werden sollte. Wenn daher die übrigen, an der wirthschaftlichen Erschliessung des chinesischen Reichs interessirten Mächte sich zur Durchführung gleicher Grundsätze bekennen wollen, so kann dies der Kaiserlichen Regierung nur erwünscht sein und sie wird in diesem Falle auf Wunsch ihrerseits gern bereit sein, sich mit den Vereinigten Staaten von Amerika und den übrigen Mächten an einer in diesem Sinne zu treffenden Vereinbarung zu betheiligen, durch welche wechselseitig die gleichen Rechte gewährt werden.

Ich benutze die Gelegenheit um Eurer Excellenz die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

BÜLOW.

[Translation.]

FOREIGN OFFICE,
Berlin, February 19, 1900.

Mr. AMBASSADOR: Your excellency informed me, in a memorandum presented on the 24th of last month, that the Government of the United States of America had received satisfactory written replies from all the powers to which an inquiry had been addressed similar to that contained in your excellency's note of September 26 last, in regard to the policy of the open door in China. While referring to this your excellency thereupon expressed the wish that the Imperial Government would now also give its answer in writing.

Gladly complying with this wish I have the honor to inform your excellency, repeating the statements already made verbally, as follows: As recognized by the Government of the United States of America, according to your excellency's note referred to above, the Imperial Government has from the beginning not only asserted but also practically carried out to the fullest extent in its Chinese possessions absolute equality of treatment of all nations with regard to trade, navigation, and commerce. The Imperial Government entertains no thought of departing in the future from this principle, which at once excludes any prejudicial or disadvantageous commercial treatment of the citizens of the United States of America, so long as it is not forced to do so, on account of considerations of reciprocity, by a divergence from it by other governments. If, therefore, the other powers interested in the industrial development of the Chinese Empire are willing to recognize the same principles, this can only be desired by the Imperial Government, which in this case upon being requested will gladly be ready to participate with the United States of America and the other powers in an agreement made upon these lines, by which the same rights are reciprocally secured.

I avail myself, etc., BÜLOW.

GREAT BRITAIN.

Mr. Choate to Lord Salisbury.

EMBASSY OF THE UNITED STATES,
London, September 22, 1899.

MY LORD: I am instructed by the Secretary of State to present to your lordship a matter which the President regards as of great and equal importance to Great Britain and the United States—in the maintenance of trade and commerce in the East, in which the interest of the two nations differs, not in character, but in degree only—and to ask for action on the part of Her Majesty's Government which the President conceives to be in exact accord with its uniformly declared policy and traditions, and which will greatly promote the welfare of commerce.

He understands it to be the settled policy and purpose of Great Britain not to use any privileges which may be granted to it in China as a means of excluding any commercial rivals, and that freedom of

trade for it in that Empire means freedom of trade for all the world alike. Her Majesty's Government, while conceding by formal agreements with Germany and Russia the possession of "spheres of influence or interest" in China, in which they are to enjoy especial rights and privileges, particularly in respect to railroads and mining enterprises, has at the same time sought to maintain what is commonly called the "open-door" policy, to secure to the commerce and navigation of all nations equality of treatment within such "spheres." The maintenance of this policy is alike urgently demanded by the commercial communities of our two nations, as it is justly held by them to be the only one which will improve existing conditions, enable them to maintain their positions in the markets of China, and extend their future operations.

While the Government of the United States will in no way commit itself to any recognition of the exclusive rights of any power within or control over any portion of the Chinese Empire, under such agreements as have been recently made, it can not conceal its apprehensions that there is danger of complications arising between the treaty powers which may imperil the rights insured to the United States by its treaties with China.

It is the sincere desire of my Government that the interests of its citizens may not be prejudiced through exclusive treatment by any of the controlling powers within their respective "spheres of interests" in China, and it hopes to retain there an open market for all the world's commerce, remove dangerous sources of international irritation, and thereby hasten united action of the powers at Pekin to promote administrative reforms so greatly needed for strengthening the Imperial Government and maintaining the integrity of China, in which it believes the whole Western World is alike concerned. It believes that such a result may be greatly aided and advanced by declarations by the various powers claiming "spheres of interest" in China as to their intentions in regard to the treatment of foreign trade and commerce therein, and that the present is a very favorable moment for informing Her Majesty's Government of the desire of the United States to have it make on its own part and to lend its powerful support in the effort to obtain from each of the various powers claiming "spheres of interest" in China a declaration substantially to the following effect:

(1) That it will in no wise interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

(2) That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within such "spheres of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

(3) That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar mer-

chandise belonging to its own nationals transported over equal distances.

The President has strong reason to believe that the Governments of both Russia and Germany will cooperate in such an understanding as is here proposed. The recent ukase of His Majesty the Emperor of Russia declaring the port of Ta-lien-wan open to the merchant ships of all nations during the whole term of the lease under which it is to be held by Russia removes all uncertainty as to the liberal and conciliatory policy of that power and justifies the expectation that His Majesty would accede to the similar requests of the United States now being presented to him and make the desired declaration.

The recent action of Germany in declaring the port of Kiao-chao a "free port," and the aid which its Government has given China in establishing there a Chinese custom-house, coupled with oral assurances given the United States by Germany that the interests of the United States and its citizens within its "sphere" would in no wise be affected by its occupation of this portion of the province of Shantung, encourage the belief that little opposition is to be anticipated to the President's request for a similar declaration from that power.

It is needless, also, to add that Japan, the power next most largely interested in the trade of China, must be in entire sympathy with the views here expressed, and that its interests will be largely served by the proposed arrangement; and the declarations of its statesmen within the last year are so entirely in line with it that the cooperation of that power is confidently relied upon.

It is, therefore, with the greatest pleasure that I present this matter to your lordship's attention and urge its prompt consideration by Her Majesty's Government, believing that the action is in entire harmony with its consistent theory and purpose, and that it will greatly redound to the benefit and advantage of all commercial nations alike. The prompt and sympathetic cooperation of Her Majesty's Government with the United States in this important matter will be very potent in promoting its adoption by all the powers concerned.

I have, etc.,

JOSEPH H. CHOATE.

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE,
London, September 29, 1899.

YOUR EXCELLENCY: I have read with great interest the communication which you handed to me on the 23d instant, in which you inform me of the desire of the United States Government to obtain from the various powers claiming spheres of interest in China declarations as to their intentions in regard to the treatment of foreign trade and commerce therein.

I have the honor to inform your excellency that I will lose no time in consulting my colleagues in regard to a declaration by Her Majesty's Government and on the proposal that they should cooperate with the Government of the United States in obtaining similar declarations by the other powers concerned.

In the meantime, I may assure your excellency that the policy consistently advocated by this country is one of securing equal opportunity for the subjects and citizens of all nations in regard to commercial enterprise in China, and from this policy Her Majesty's Government have no intention or desire to depart.

I have, etc.,

SALISBURY.

Lord Salisbury to Mr. Choate.

FOREIGN OFFICE,
London, November 30, 1899.

YOUR EXCELLENCY: With reference to my note of September 29 last, I have the honor to state that I have carefully considered, in communication with my colleagues, the proposal contained in your excellency's note of September 22 that a declaration should be made by foreign powers claiming "spheres of interest" in China as to their intentions in regard to the treatment of foreign trade and interest therein.

I have much pleasure in informing your excellency that Her Majesty's Government will be prepared to make a declaration in the sense desired by your Government in regard to the leased territory of Wei-hai Wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise, and all spheres of interest now held or that may hereafter be held by her in China, provided that a similar declaration is made by other powers concerned.

I have, etc.,

SALISBURY.

Mr. Choate to Lord Salisbury.

EMBASSY OF THE UNITED STATES,
London, December 6, 1899.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of November 30, in which you inform me that, after having carefully considered in connection with your colleagues, the proposals contained in my note of September 22 last, Her Majesty's Government is prepared to make a declaration in the sense desired by my Government in regard to the leased territory of Wei-hai Wei and all territory in China which may hereafter be acquired by Great Britain by lease or otherwise, and all "spheres of interest" now held or which may hereafter be held by her in China, provided that a similar declaration is made by other powers.

In acknowledging your lordship's note, I have also, under instructions from the Secretary of State, to express to your lordship the gratification he feels at the cordial acceptance by Her Britannic Majesty's Government of the proposals of the United States.

I have, etc.,

JOSEPH H. CHOATE.

ITALY.

Mr. Hay to Mr. Draper.

DEPARTMENT OF STATE,
Washington, November 17, 1899.

SIR: This Government, animated with a sincere desire to insure to the commerce and industry of the United States and of all other nations perfect equality of treatment within the limits of the Chinese Empire for their trade and navigation, especially within the so-called "spheres of influence or interest" claimed by certain European powers in China, has deemed the present an opportune moment to make representations in this direction to Germany, Great Britain, Japan, and Russia.

To attain the object it has in view and to remove possible causes of international irritation and reestablish confidence so essential to commerce, it has seemed to this Government highly desirable that the various powers claiming "spheres of interest or influence" in China should give formal assurances that—

First. They will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory they may have in China.

Second. The Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to their own nationals transported over equal distances.

The policy pursued by His Imperial German Majesty in declaring Tsing-tao (Kiao-chao) a free port and in aiding the Chinese Government in establishing there a custom-house, and the ukase of His Imperial Russian Majesty of August 11 last, erecting a free port at Dalny (Ta-lien-wan) are thought to be proof that these powers are not disposed to view unfavorably the proposition to recognize that they contemplate nothing which will interfere in any way with the enjoyment by the commerce of all nations of the rights and privileges guaranteed to them by existing treaties with China.

Repeated assurances from the British Government of its fixed policy to maintain throughout China freedom of trade for the whole world insure, it is believed, the ready assent of that power to our proposals. The commercial interests of Japan will also be greatly served by the above-mentioned declaration, which harmonizes with the assurances conveyed to this Government at various times by His Imperial Japanese Majesty's diplomatic representative at this capital.

In view of the important and growing commercial interests of Italy in eastern Asia it would seem desirable that His Majesty's Govern-

ment should also be informed of the steps taken by the United States to insure freedom of trade in China, in which it would find equal advantages to those which the other nations of Europe expect.

You are therefore instructed to submit to His Majesty's minister for foreign affairs the above considerations and to invite his early attention to them, expressing, in the name of your Government, the hope that they will prove acceptable and that His Majesty's Government will lend its aid and valuable assistance in securing their acceptance by the other interested powers.

I inclose, for your personal and confidential information, copies of the instructions sent to our ambassadors at Berlin. London, St. Petersburg, and to our minister at Tokio.

I am, etc., JOHN HAY.

(Inclosures:) To Great Britain, to Russia, to Germany, September 6, 1899; to Japan, November 13, 1899.

The Marquis Visconti Venosta to Mr. Draper.

ROMA, *7 Gennaio, 1900.*

SIGNOR AMBASCIATORE: A complemento di citò che mi aveva fatto l'onore di comunicarmi colla sua nota del 9 Decembre, 1899, Vostra Eccelenza mi ha participato ieri la notizia datale per telegrafo dal suo Governo, che tutte le Potenze interpellate dal Gabinetto di Washington in ordine alle opportunità di adottare una linea di condotta politica la quale assicuri al commercio di tutto il mondo parità di trattamento in Cina, hanno dato risposta favorevole.

Riferendomi alle sue comunicazioni e a quanto ebbi già a dischiararle colla mia nota del 23 di detto mese di Decembre, mi è grato di dichiararle che anche el Governo del Re aderisce di buon grado ai concetti di massima svolta nella menzionata nota del 9 Decembre.

Prego Vostra Eccelenza di volere portare questa nostra adesione alla conoscenza del Gabinetto di Washington, e profitto del l'occasione per rinnovarle, Signor Ambasciatore, gli atti della mia più alta considerazione.

VISCONTI VENOSTA.

[Translation.]

ROME, *January 7, 1900.*

MR. AMBASSADOR: Supplementary to what you had already done me the honor of communicating to me in your note of December 9, 1899, your excellency informed me yesterday of the telegraphic note received from your Government that all the powers consulted by the cabinet of Washington concerning the suitability of adopting a line of policy which would insure to the trade of the whole world equality of treatment in China have given a favorable reply.

Referring to your communications and to the statements in my note of December 23 last, I take pleasure in saying that the Government of the King adheres willingly to the proposals set forth in said note of December 9.

I beg your excellency to kindly convey the notice of our adhesion to the Cabinet of Washington, and I avail myself of the occasion to renew to you, etc.,

VISCONTI VENOSTA.

JAPAN.

Mr. Hay to Mr. Buck.

DEPARTMENT OF STATE,
Washington, November 13, 1899.

SIR: This Government, animated with a sincere desire to insure to the commerce and industry of the United States and of all other nations perfect equality of treatment within the limits of the Chinese Empire for their trade and navigation, especially within the so-called "spheres of influence or interest" claimed by certain European powers in China, has deemed the present an opportune moment to make representations in this direction to Germany, Great Britain, and Russia.

To obtain the object it has in view and to remove possible causes of international irritation and reestablish confidence so essential to commerce, it has seemed to this Government highly desirable that the various powers claiming "spheres of interest or influence" in China should give formal assurances that—

First. They will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory they may have in China.

Second. The Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled, or operated within such "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to their own nationals transported over equal distances.

The policy pursued by His Imperial German Majesty in declaring Tsingtao (Kiaochao) a free port and in aiding the Chinese Government in establishing there a custom-house, and the ukase of His Imperial Russian Majesty of August 11 last in erecting a free port at Dalny (Talienwan) are thought to be proof that these powers are not disposed to view unfavorably the proposition to recognize that they contemplate nothing which will interfere in any way with the enjoyment by the commerce of all nations of the rights and privileges guaranteed to them by existing treaties with China.

Repeated assurances from the British Government of its fixed policy to maintain throughout China freedom of trade for the whole world insure, it is believed, the ready assent of that power to our proposals. It is no less confidently believed that the commercial

interests of Japan would be greatly served by the above-mentioned declaration, which harmonizes with the assurances conveyed to this Government at various times by His Imperial Japanese Majesty's diplomatic representative at this capital.

You are therefore instructed to submit to His Imperial Japanese Majesty's Government the above considerations, and to invite their early attention to them, and express the earnest hope of your Government that they will accept them and aid in securing their acceptance by the other interested powers.

I am, etc., JOHN HAY.

Viscount Aoki to Mr. Buck.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Tokio, the 26th day, the 12th month of the 32d year of Meiji.
(*December 26, 1899.*)

MR. MINISTER: I have the honor to acknowledge the receipt of the note No. 176 of the 20th instant, in which, pursuing the instructions of the United States Government, your excellency was so good as to communicate to the Imperial Government the representations of the United States as presented in notes to Russia, Germany, and Great Britain on the subject of commercial interests of the United States in China.

I have the happy duty of assuring your excellency that the Imperial Government will have no hesitation to give their assent to so just and fair a proposal of the United States, provided that all the other powers concerned shall accept the same.

I avail myself, etc.,

VISCOUNT AOKI SIUZO,
Minister for Foreign Affairs.

RUSSIA.

Mr. Hay to Mr. Tower.

DEPARTMENT OF STATE,
Washington, September 6, 1899.

SIR: In 1898, when His Imperial Majesty, through his diplomatic representative at this capital, notified this Government that Russia had leased from His Imperial Chinese Majesty the ports of Port Arthur, Ta-lien-wan, and the adjacent territory in the Liaotung Peninsula in northeastern China for a period of twenty-five years, your predecessor received categorical assurances from the imperial minister for foreign affairs that American interests in that part of the Chinese Empire would in no way be affected thereby, neither was it the desire of Russia to interfere with the trade of other nations, and that our citizens would continue to enjoy within said leased territory all the rights and privileges guaranteed them

under existing treaties with China. Assurances of a similar purport were conveyed to me by the Emperor's ambassador at this capital; while fresh proof of this is afforded by the imperial ukase of $\frac{\text{July 30}}{\text{August 11}}$ last, creating the free port of Dalny, near Ta-lien-wan, and establishing free trade for the adjacent territory.

However gratifying and reassuring such assurances may be in regard to the territory actually occupied and administered, it can not but be admitted that a further, clearer, and more formal definition of the conditions which are henceforth to hold within the so-called Russian "sphere of interest" in China as regards the commercial rights therein of our citizens is much desired by the business world of the United States, inasmuch as such a declaration would relieve it from the apprehensions which has exercised a disturbing influence during the last four years on its operations in China.

The present moment seems particularly opportune for ascertaining whether His Imperial Russian Majesty would not be disposed to give permanent form to the assurances heretofore given to this Government on this subject.

The ukase of the Emperor of August 11 of this year, declaring the port of Ta-lien-wan open to the merchant ships of all nations during the remainder of the lease under which it is held by Russia, removes the slightest uncertainty as to the liberal and conciliatory commercial policy His Majesty proposes carrying out in northeastern China, and would seem to insure us the sympathetic and, it is hoped, favorable consideration of the propositions hereinafter specified.

The principles which this Government is particularly desirous of seeing formally declared by His Imperial Majesty and by all the great powers interested in China, and which will be eminently beneficial to the commercial interests of the whole world, are:

First. The recognition that no power will in any way interfere with any treaty port or any vested interest within any leased territory or within any so-called "sphere of interest" it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere "than shall be levied on vessels of its own nationality and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

The declaration of such principles by His Imperial Majesty would not only be of great benefit to foreign commerce in China, but would powerfully tend to remove dangerous sources of irritation and possible conflict between the various powers; it would reestablish confidence and security, and would give great additional weight to the concerted representations which the treaty powers may hereafter

make to His Imperial Chinese Majesty in the interest of reform in Chinese administration so essential to the consolidation and integrity of that Empire, and which, it is believed, is a fundamental principle of the policy of His Majesty in Asia.

Germany has declared the port of Kiao-chao, which she holds in Shangtung under a lease from China, a free port and has aided in the establishment there of a branch of the Imperial Chinese maritime customs. The Imperial German minister for foreign affairs has also given assurances that American trade would not in any way be discriminated against or interfered with, as there is no intention to close the leased territory to foreign commerce within the area which Germany claims. These facts lead this Government to believe that the Imperial German Government will lend its cooperation and give its acceptance to the proposition above outlined, and which our ambassador at Berlin is now instructed to submit to it.

That such a declaration will be favorably considered by Great Britain and Japan, the two other powers most interested in the subject, there can be no doubt. The formal and oft-repeated declarations of the British and Japanese Governments in favor of the maintenance throughout China of freedom of trade for the whole world insure us, it is believed, the ready assent of these powers to the declaration desired.

The acceptance by His Imperial Majesty of these principles must therefore inevitably lead to their recognition by all the other powers interested, and you are instructed to submit them to the Emperor's minister for foreign affairs and urge their immediate consideration.

A copy of this construction is sent to our ambassadors at London and Berlin for their confidential information, and copies of the instructions sent to them on this subject are inclosed herewith.

I have, etc.,

JOHN HAY.

(Inclosures:) To London, September 6, 1899, No. 205; to Berlin, September 6, 1899, No. 927.

Count Mouravieff to Mr. Tower.

MINISTÈRE DES AFFAIRES ETRANGÈRES,
PREMIER DÉPARTEMENT,
Le 18 Décembre, 1899.

MONSIEUR L'AMBASSADEUR: J'ai eu l'honneur de recevoir la note de Votre Excellence en date du 8–20 Septembre a. c. relative aux principes que le Gouvernement des Etats-Unis désirerait voir adoptés en matière économique par les Puissances ayant des intérêts en Chine.

Pour ce qui est du territoire cédé à bail par la Chine à la Russie le Gouvernement Impérial a déjà manifesté sa ferme intention de pratiquer la politique de "la porte ouverte" en érigeant Dalny (Ta-lien-wan), en port franc; et si à l'avenir ce dernier port, tout en continuant à rester franc était séparé par une ligne de douanes du reste du territoire dont il s'agit, les taxes douanières seraient prélevées dans la zone soumise au tarif, sur toutes les marchandises étrangères sans distinction de nationalité.

Quant aux ports déjà ouverts, ou qui le seraient à l'avenir, par le Gouvernement Chinois, au commerce étranger et qui se trouvent en dehors du territoire cédé à bail à la Russie, le règlement des questions relatives aux taxes douanières appartient à la Chine elle-même, et le Gouvernement Impérial n'a nullement l'intention de réclamer pour ses nationaux à cet égard des privilèges quelconques à l'exclusion des autres étrangers. Il va de soi que cette assurance du Gouvernement Impérial a pour condition qu'une déclaration semblable serait faite par les autres Puissances ayant des intérêts en Chine.

Convaincu que cette réponse est de nature à satisfaire à la demande exprimée dans la note susmentionnée, le Gouvernement Impérial se félicite d'autant plus d'avoir été au devant des vœux du Gouvernement Américain, qu'il attache le plus grand prix à tout ce qui peut entretenir et consolider les relations amicales traditionnelles existant entre les deux pays.

Veuillez agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

COMTE MOURAVIEFF.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
December 18–30, 1899.

Mr. AMBASSADOR: I had the honor to receive Your Excellency's note dated the 8th–20th of September last, relating to the principles which the Government of the United States would like to see adopted in commercial matters by the powers which have interests in China.

In so far as the territory leased by China to Russia is concerned, the Imperial Government has already demonstrated its firm intention to follow the policy of "the open door" by creating Dalny (Ta-lien-wan) a free port; and if at some future time that port, although remaining free itself, should be separated by a customs limit from other portions of the territory in question, the customs duties would be levied, in the zone subject to the tariff, upon all foreign merchandise without distinction as to nationality.

As to the ports now opened or hereafter to be opened to foreign commerce by the Chinese Government, and which lie beyond the territory leased to Russia, the settlement of the question of customs duties belongs to China herself, and the Imperial Government has no intention whatever of claiming any privileges for its own subjects to the exclusion of other foreigners. It is to be understood, however, that this assurance of the Imperial Government is given upon condition that a similar declaration shall be made by other Powers having interests in China.

With the conviction that this reply is such as to satisfy the inquiry made in the aforementioned note, the Imperial Government is happy to have complied with the wishes of the American Government, especially as it attaches the highest value to anything that may strengthen and consolidate the traditional relations of friendship existing between the two countries.

I beg you to accept, etc. COUNT MOURAVIEFF.

Instructions sent mutatis mutandis to the United States ambassadors at London, Paris, Berlin, St. Petersburg, and Rome, and to the United States Minister at Tokyo.

DEPARTMENT OF STATE,
Washington, March 20, 1900.

SIR: The ——— Government having accepted the declaration suggested by the United States concerning foreign trade in China, the terms of which I transmitted to you in my instruction No. —— of ———, and like action having been taken by all the various powers having leased territory or so-called "spheres of interest" in the Chinese Empire, as shown by the notes which I herewith transmit to you, you will please inform the government to which you are accredited that the condition originally attached to its acceptance—that all other powers concerned should likewise accept the proposals of the United States—having been complied with, this Government will therefore consider the assent given to it by ——— as final and definitive.

You will also transmit to the minister for foreign affairs copies of the present inclosures, and by the same occasion convey to him the expression of the sincere gratification which the President feels at the successful termination of these negotiations, in which he sees proof of the friendly spirit which animates the various powers interested in the untrammeled development of commerce and industry in the Chinese Empire and a source of vast benefit to the whole commercial world.

I am, etc., JOHN HAY.

(Inclosures:)[a] Mr. Delcassé to Mr. Porter (received December 16, 1899), with translation; Mr. Jackson to Mr. Hay, telegram, December 4, 1899; Count von Bülow to Mr. White, February 19, 1900, with translation; Lord Salisbury to Mr. Choate, November 30, 1899; Marquis Visconti Venosta to Mr. Draper, January 7, 1900, with translation; Viscount Aoki to Mr. Buck, December 26, 1899, translation; Count Mouravieff to Mr. Tower, December 18, 1899, with translation.

1901.

FINAL PROTOCOL ENTERED INTO BY THE PLENIPOTENTIARIES OF THE VARIOUS POWERS AT THE CONCLUSION OF THE SO-CALLED "BOXER" TROUBLES IN CHINA IN 1900.

Concluded September 7, 1901.

NOTE.—For the text of this final protocol see "International conventions," etc., page 2006; also new agreement of 1905, modifying final protocol concerning Whang Pu conservancy, see page 2013.

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[a] All printed *ante*.

1903.

Treaty as to Commercial Relations.

Concluded October 8, 1903; ratification advised by Senate December 18, 1903; ratified by President January 12, 1904; ratifications exchanged January 13, 1904; proclaimed January 13, 1904.

Articles.

I. Diplomatic privileges.
II. Consular privileges.
III. Citizens in China.
IV. Abolition of *likin*.
V. Tariff duties.
VI. Establishment of warehouses by United States citizens.
VII. Mining regulations.
VIII. Drawback certificates.
IX. Trade-marks.
X. Patents.
XI. Copyrights.
XII. Navigation of inland waters, and making Mukden and Antung open ports.
XIII. Uniform coinage.
XIV. Religious liberty and concession to missionary societies.
XV. Reformation of judicial system; extra-territorial rights.
XVI. Morphia and instruments for its injection.
XVII. Existing treaties continued in force; duration; revision of annexed tariff; and ratification.

Annexes.

I. Opium and salt.
II. Native customs offices.
III. Tariff schedule.
Note change of Rule II.

The United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the final Protocol signed at Peking on the seventh day of September, A. D. 1901, whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign Governments to the treaties of commerce and navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries:—

The United States of America—

Edwin H. Conger, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China—

John Goodnow, Consul-General of the United States of America at Shanghai—

John F. Seaman, a Citizen of the United States of America resident at Shanghai—

And His Majesty the Emperor of China—

Lü Hai-huan, President of the Board of Public Works—

Sheng Hsüan-huai, Junior Guardian of the Heir Apparent. Formerly Senior Vice-President of the Board of Public Works—

who, having met and duly exchanged their full powers which were found to be in proper form, have agreed upon the following amendments to existing treaties of commerce and navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations, with the object of facilitating them.

ARTICLE I.

In accordance with international usage, and as the diplomatic representative of China has the right to reside in the capital of the United States, and to enjoy there the same prerogatives, privileges and immunities as are enjoyed by the similar representative of the most favored nation, the diplomatic representative of the United States shall have the right to reside at the capital of His Majesty the Emperor of China. He shall be given audience of His Majesty the Emperor whenever necessary to present his letters of credence or any communication from the President of the United States. At all such times he shall be received in a place and in a manner befitting his high position, and on all such occasions the ceremonial observed toward him shall be that observed toward the representatives of nations on a footing of equality, with no loss of prestige on the part of either.

The diplomatic representatives of the United States shall enjoy all the prerogatives, privileges and immunities accorded by international usage to such representatives, and shall in all respects be entitled to the treatment extended to similar representatives of the most favored nation.

The English text of all notes or dispatches from United States officials to Chinese officials, and the Chinese text of all from Chinese officials to United States officials shall be authoritative.

ARTICLE II.

As China may appoint consular officers to reside in the United States and to enjoy there the same attributes, privileges and immunities as are enjoyed by consular officers of other nations, the United States may appoint, as its interests may require, consular officers to reside at the places in the Empire of China that are now or that may hereafter be opened to foreign residence and trade. They shall hold direct official intercourse and correspondence with the local officers of the Chinese Government within their consular districts, either personally or in writing as the case may require, on terms of equality and reciprocal respect. These officers shall be treated with due respect by all Chinese authorities, and they shall enjoy all the attributes, privileges and immunities, and exercise all the jurisdiction over their nationals which are or may hereafter be extended to similar officers of the nation the most favored in these respects. If the officers of either government are disrespectfully treated or aggrieved in any way by the authorities of the other, they shall have the right to make representation of the same to the superior officers of their own government who shall see that full inquiry and strict justice be had in the premises. And the said consular officers of either nation shall carefully avoid all acts of offense to the officers and people of the other nation.

On the arrival of a consul duly accredited at any place in China opened to foreign trade it shall be the duty of the Minister of the United States to inform the Board of Foreign Affairs, which shall, in accordance with international usage, forthwith cause the proper recognition of the said consul and grant him authority to act.

Article III.

Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in these respects.

Article IV.

The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as *likin*, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of *likin* and all other transit dues throughout the Empire and to abolish the offices, stations and barriers maintained for their collection and not to establish other offices for levying dues on goods in transit. It is clearly understood that, after the offices, stations and barriers for taxing goods in transit have been abolished, no attempt shall be made to re-establish them in any form or under any pretext whatsoever.

The Government of the United States, in return, consents to allow a surtax, in excess of the tariff rates for the time being in force, to be imposed on foreign goods imported by citizens of the United States and on Chinese produce destined for export abroad or coastwise. It is clearly understood that in no case shall the surtax on foreign imports exceed one and one-half times the import duty leviable in terms of the final Protocol signed by China and the Powers on the seventh day of September, A. D. 1901; that the payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or foreigners, in original packages or otherwise, complete immunity from all other taxation, examination or delay; that the total amount of taxation, inclusive of the tariff export duty, leviable on native produce for export abroad shall, under no circumstances, exceed seven and one-half per centum *ad valorem*.

Nothing in this article is intended to interfere with the inherent right of China to levy such other taxes as are not in conflict with its provisions.

Keeping these fundamental principles in view, the High Contracting Parties have agreed upon the following method of procedure.

The Chinese Government undertakes that all offices, stations and barriers of whatsoever kind for collecting *likin*, duties, or such like dues on goods in transit, shall be permanently abolished on all roads, railways and waterways in the nineteen Provinces of China and the three Eastern Provinces. This provision does not apply to the native Customs offices at present in existence on the seaboard, at open ports where there are offices of the Imperial Maritime Customs, and on the land frontiers of China embracing the nineteen Provinces and the three Eastern Provinces.

Wherever there are offices of the Imperial Maritime Customs, or wherever such may be hereafter placed, native Customs offices may also be established, as well as at any point either on the seaboard or land frontiers.

The Government of the United States agrees that foreign goods on importation, in addition to the effective five per centum import duty as provided for in the Protocol of 1901, shall pay a special surtax of one and one-half times the amount of the said duty to compensate for the abolition of *likin*, of other transit dues besides *likin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this article.

The Chinese Government may recast the foreign export tariff with specific duties, as far as practicable, on a scale not exceeding five per centum *ad valorem;* but existing export duties shall not be raised until at least six months' notice has been given. In cases where existing export duties are above five per centum, they shall be reduced to not more than that rate. An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation of all kinds, may be levied at the place of original shipment or at the time of export on goods exported either to foreign countries or coastwise.

Foreign goods which bear a similarity to native goods shall be furnished by the Customs officers, if required by the owner, with a protective certificate for each package, on the payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Native goods brought by junks to open ports, if intended for local consumption, irrespective of the nationality of the owner of the goods, shall be reported at the native Customs offices only, to be dealt with according to the fiscal regulations of the Chinese Government.

Machine-made cotton yarn and cloth manufactured in China, whether by foreigners at the open ports or by Chinese anywhere in China, shall as regards taxation be on a footing of perfect equality. Such goods upon payment of the taxes thereon shall be granted a rebate of the import duty and of two-thirds of the import surtax paid on the cotton used in their manufacture, if it has been imported from abroad, and of all duties paid thereon if it be Chinese grown cotton. They shall also be free of export duty, coast-trade duty and export surtax. The same principle and procedure shall be applied to all other products of foreign type turned out by machinery in China.

A member or members of the Imperial Maritime Customs foreign staff shall be selected by the Governors-General and Governors of each of the various provinces of the Empire for their respective provinces, and appointed in consultation with the Inspector General of Imperial Maritime Customs, for duty in connection with native Customs affairs to have a general supervision of their working.

Cases where illegal action is complained of by citizens of the United States shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with an officer of the United States Government, and an officer of the Imperial Maritime Customs, each of sufficient standing; and, in the event of it being found by the investigating officers that the complaint is well founded and loss has been incurred, due compensation shall be paid through the Imperial Maritime Customs. The high provincial officials shall be held responsible that the officer guilty of the illegal

action shall be severely punished and removed from his post. If the complaint is shown to be frivolous or malicious, the complainant shall be held responsible for the expenses of the investigation.

When the ratifications of this Treaty shall have been exchanged by the High Contracting Parties hereto, and the provisions of this Article shall have been accepted by the Powers having treaties with China, then a date shall be agreed upon when the provisions of this Article shall take effect and an Imperial Edict shall be published in due form on yellow paper and circulated throughout the Empire of China setting forth the abolition of all *likin* taxation, duties on goods in transit, offices, stations and barriers for collecting the same, and of all descriptions of internal taxation on foreign goods, and the imposition of the surtax on the import of foreign goods and on the export of native goods, and the other fiscal changes and reforms provided for in this Article, all of which shall take effect from the said date. The Edict shall state that the provincial high officials are responsible that any official disregarding the letter or the spirit of its injunction shall be severely punished and removed from his post.

Article V.

The tariff duties to be paid by citizens of the United States on goods imported into China shall be as set forth in the schedule annexed hereto and made part of this Treaty, subject only to such amendments and changes as are authorized by Article IV of the present convention or as may hereafter be agreed upon by the High Contracting Parties hereto. It is expressly agreed, however, that citizens of the United States shall at no time pay other or higher duties than those paid by the citizens or subjects of the most favored nation.

Conversely, Chinese subjects shall not pay higher duties on their imports into the United States than those paid by the citizens or subjects of the most favored nation.

Article VI.

The Government of China agrees to the establishment by citizens of the United States of warehouses approved by the proper Chinese authorities as bonded warehouses at the several open Ports of China, for storage, re-packing, or preparation for shipment of lawful goods, subject to such necessary regulations for the protection of the revenue of China, including a reasonable scale of fees according to commodities, distance from the custom house and hours of working, as shall be made from time to time by the proper officers of the Government of China.

Article VII.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agrees, within one year from the signing of this Treaty, to initiate and conclude the revision of the existing mining regulations. To this end China will, with all expedition and earnestness, go into

the whole question of mining rules; and, selecting from the rules of the United States and other countries regulations which seem applicable to the condition of China, will recast its present mining rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations; and will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto provided they comply with the new regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and the payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed. The residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China.

Any mining concession granted after the publication of such new rules shall be subject to their provisions.

Article VIII.

Drawback certificates for the return of duties shall be issued by the Imperial Maritime Customs to citizens of the United States within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such drawback certificates, and they shall be receivable at their face value in payment of duties of all kinds (tonnage dues excepted) at the port of issue; or shall, in the case of drawbacks on foreign goods re-exported within three years from the date of importation, be redeemable by the Imperial Maritime Customs in full in ready money at the port of issue, at the option of the holders thereof. But if, in connection with any application for a drawback certificate, the Customs authorities discover an attempt to defraud the revenue, the applicant shall be dealt with and punished in accordance with the stipulations provided in the Treaty of Tientsin, Article XXI, in the case of detected frauds on the revenue. In case the goods have been removed from Chinese territory, then the consul shall inflict on the guilty party a suitable fine to be paid to the Chinese Government.

Article IX.

Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to citizens of the United States:—

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm or corporation of the United States in the exclusive use in the Empire of China of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end

the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colorably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.

ARTICLE X.

The United States Government allows subjects of China to patent their inventions in the United States and protects them in the use and ownership of such patents. The Government of China now agrees that it will establish a Patent Office. After this office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

ARTICLE XI.

Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens:—

Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers or proprietors of any book, map, print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor or seller of any publication calculated to injure the well-being of China.

ARTICLE XII.

The Chinese Government having in 1898 opened the navigable inland waters of the Empire to commerce by all steam vessels, native or foreign, that may be specially registered for the purpose, for the

conveyance of passengers and lawful merchandise,—citizens, firms and corporations of the United States may engage in such commerce on equal terms with those granted to subjects of any foreign power.

In case either party hereto considers it advantageous at any time that the rules and regulations then in existence for such commerce be altered or amended, the Chinese Government agrees to consider amicably and to adopt such modifications thereof as are found necessary for trade and for the benefit of China.

The Chinese Government agrees that, upon the exchange of the ratifications of this Treaty, Mukden and Antung, both in the province of Sheng-king, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of the United States and China after consultation together.

Article XIII.

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by the citizens of the United States as well as Chinese subjects. It is understood, however, that all Customs duties shall continue to be calculated and paid on the basis of the Haikuan Tael.

Article XIV.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interefered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China; and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality so that both classes can live together in peace.

Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes and, after

the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

ARTICLE XV.

The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of Western nations, the United States agrees to give every assistance to such reform and will also be prepared to relinquish extra-territorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XVI.

The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of tariff duty, and under regulations to be framed by China which shall effectually restrict the use of such import to the said purposes. This prohibition shall be uniformly applied to such importation from all countries. The Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.

ARTICLE XVII.

It is agreed between the High Contracting Parties hereto that all the provisions of the several treaties between the United States and China which were in force on the first day of January A. D. 1900, are continued in full force and effect except in so far as they are modified by the present Treaty or other treaties to which the United States is a party.

The present Treaty shall remain in force for a period of ten years beginning with the date of the exchange of ratifications and until a revision is effected as hereinafter provided.

It is further agreed that either of the High Contracting Parties may demand that the tariff and the articles of this convention be revised at the end of ten years from the date of the exchange of the ratifications thereof. If no revision is demanded before the end of the first term of ten years, then these articles in their present form shall remain in full force for a further term of ten years reckoned from the end of the first term, and so on for successive periods of ten years.

The English and Chinese texts of the present Treaty and its three annexes have been carefully compared; but, in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct one.

This Treaty and its three annexes shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington not later than twelve months from the present date.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Treaty in duplicate in the English and Chinese languages, and have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our Lord one thousand nine hundred and three, and in the twenty ninth year of Kuang Hsü eighth month and eighteenth day.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW. [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.
[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

ANNEX I.

As citizens of the United States are already forbidden by treaty to deal in or handle opium, no mention has been made in this Treaty of opium taxation.

As the trade in salt is a government monopoly in China, no mention has been made in this Treaty of salt taxation.

It is, however, understood, after full discussion and consideration, that the collection of inland dues on opium and salt and the means for the protection of the revenue therefrom and for preventing illicit traffic therein are left to be administered by the Chinese Government in such manner as shall in no wise interfere with the provisions of Article IV of this treaty regarding the unobstructed transit of other goods.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.
[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

ANNEX II.

Article IV of the Treaty of Commerce between the United States and China of this date provides for the retention of the native Customs offices at the open ports. For the purpose of safeguarding the revenue of China at such places, it is understood that the Chinese Government shall be entitled to establish and maintain such branch native Customs offices at each open port, within a reasonable distance of the main native Customs offices at the port, as shall be deemed by the authorities of the Imperial Maritime Customs at that port necessary to collect the revenue from the trade into and out of such port. Such branches, as well as the main native Customs offices at each open port, shall be administered by the Imperial Maritime Customs as provided by the Protocol of 1901.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.
[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

Annex III.

The schedule of tariff duties on imported goods annexed to this Treaty under Article V is hereby mutually declared to be the schedule agreed upon between the representatives of China and the United States and signed by John Goodnow for the United States and Their Excellencies Lü Hai-huan and Sheng Hsüan-huai for China at Shanghai on the sixth day of September A. D. 1902, according to the Protocol of the seventh day of September A. D. 1901.

Edwin H. Conger [seal.]
John Goodnow [seal.]
John F. Seaman [seal.]

Signatures and seal of Chinese Plenipotentiaries.
[Lü Hai-huan]
[Sheng Hsüan-huai]

Import Tariff.

Agar-agar	per picul	0.300
Agaric. *See* Fungus.		
Amber	per catty	.325
Aniseed (star):		
First quality (value 15 taels and over per picul)	per picul	1.000
Second quality (value under 15 taels per picul)	do	.440
Apricot seed	do	.900
Arrowroot and arrowroot flour		5 per ct.
Asafetida	per picul	1.000
Asbestus boiler composition	do	.200
Asbestus fiber	do	5.000
Asbestus millboard	do	.500
Asbestus packing, including sheets and blocks	do	3.500
Asbestus packing, metallic	do	5.000
Asbestus yarn	do	2.250
Awabi	do	1.500
Bacon and ham		5 per ct.
Bags:		
Grass	per thousand	1.250
Gunny	do	4.250
Gunny (old)		5 per ct.
Hemp	per thousand	4.250
Hemp (old)		5 per ct.
Straw	per thousand	1.250
Baking powder in bottles or tins:		
4-ounce	per dozen	.083
6-ounce	do	.110
8-ounce	do	.145
12-ounce	do	.226
1-pound	do	.303
3-pound	do	.810
5-pound	do	1.350
Bark:		
Mangrove	per picul	.073
Plum tree	do	.120
Yellow (for dyeing)		5 per ct.
Yellow (medicinal)	per picul	.800
Barley, pearl	per picul	.300
Basins, iron (enameled):		
Up to 9 inches in diameter, decorated or not decorated	per dozen	.050
Over 9 inches in diameter, agate, blue and white, gray or mottled, not decorated	per dozen	.090
Over 9 inches in diameter, decorated (with gold)	do	.175
Over 9 inches in diameter, decorated (without gold)	do	.125

Basins, tin (common)	per gross	0.250
Beads:		
Coral	per catty	.750
Cornelian	per picul	7.000
Glass of all kinds		5 per ct.
Beer. *See* Wines, etc.		
Beeswax, yellow	per picul	1.600
Belting		5 per ct.
Betel-nut husk:		
Dried	per picul	.077
Fresh	do	.018
Betel-nut leaves, dried	do	.045
Betel nuts:		
Dried	do	.225
Fresh	do	.018
Bezoar cow, Indian		5 per ct.
Bicho de Mar:		
Black	per picul	1.600
White	do	.700
Bicycle materials		5 per ct.
Bicycles	each	3.000
Birds' nests:		
First quality	per catty	1.400
Second quality	do	.450
Third quality	do	.150
Blue:		
Paris	per picul	1.500
Prussian	do	1.500
Bones, tiger	do	2.500
Books:		
Chinese		Free.
Printed, and charts, maps, newspapers, and periodicals		Free.
Borax:		
Crude	per picul	.610
Refined	do	1.460
Braid, llama	do	5.000
Bricks, fire		5 per ct.
Bronze powder	per picul	2.200
Butter in tins, jars, and other packages	do	2.000
Buttons:		
Agate and porcelain	per 12 gross	.010
Brass and other kinds (not jewelry)	per gross	.020
Byrrh. (*See* Wines, etc.)		
Camphor	per picul	1.650
Camphor baroos:		
Clean	per catty	2.450
Refuse		5 per ct.
Candles:		
9-ounce	per case of 25 packages of 6 candles	.075
12-ounce	do	.100
16-ounce	do	.133
All kinds, differently packed	per picul	.750
Other weights, duty in proportion.		
Canes:		
Bamboo	per thousand	.400
Coir—		
1 foot long	per picul	.200
5 feet long	per thousand	.300
Canned fruits, vegetables, etc. (all weights and measures approximate):		
Table fruits (apples, apricots, grapes, peaches, pears, and plums), per dozen 2½-pound cans		.065
Pie fruits (apples, apricots, grapes, peaches, pears, and plums), per dozen 2½-pound cans		.057
Preserved fruits in glass bottles, jars, cardboard, or wooden boxes, including weight of immediate package	per picul	.650

Canned fruits, vegetables, etc.—Continued.		
Asparagus	per dozen 2½-pound tins	0.118
Corn	per dozen 2-pound tins	.054
Pease	do	.060
String beans	do	.054
Tomatoes	per dozen 2½-pound tins	.054
All other vegetables preserved in tins, bottles, or jars, including weight of immediate package	per picul	.525
Tomato sauce and catsup—		
½-pint bottles	per dozen	.054
1-pint bottles	do	.087
Jams and jellies—		
1-pound tins, bottles, or jars	per dozen	.060
2-pound tins, bottles, or jars	do	.118
Milk (including condensed)	per case of 4 dozen 1-pound tins	.250
Cream, evaporated—		
4 dozen pints (family size)	per case	.230
2 dozen quarts (hotel size)	do	.260
Canned meats—		
Bacon or ham, sliced—		
Half-pound tins	per dozen	.077
1-pound tins	do	.144
Dried beef, sliced	per dozen 1-pound jars	.144
Mince-meat—		
1½-pound pails	per dozen	.100
3-pound pails	do	.181
Kits (half barrels and barrels)	per picul	.729
Pork and beans, plain or with tomato sauce—		
1-pound tins	per dozen	.040
2-pound tins	do	.075
3-pound tins	do	.085
Potted and deviled meat—		
Quarter-pound tins	do	.022
Half-pound tins	do	.042
Potted and deviled poultry and poultry and meat combined—		
Quarter-pound tins	per dozen	.042
Half-pound tins	do	.072
Soup and bouilli—		
2-pound tins	do	.101
6-pound tins	do	.244
Tamales, chicken—		
Half-pound tins	do	.051
1-pound tins	do	.080
Tongues of every description—		
Half-pound tins	do	.098
1-pound tins	do	.204
1½-pound tins	do	.287
2-pound tins	do	.333
2½-pound tins	do	.445
3-pound tins	do	.515
3¼-pound tins	do	.545
All other canned meats, including game, of every description, with or without vegetables—		
Half-pound tins	per dozen	.052
1-pound tins	do	.063
2-pound tins	do	.120
4-pound tins	do	.210
6-pound tins	do	.370
14-pound tins	do	.810
Canvas and cotton duck, not exceeding 36 inches wide	per yard	.010
Capoor cutchery		5 per ct.
Cardamoms—		
Superior, and amomums	per picul	10.000
Inferior, or grains of paradise	do	1.000
Husk	do	.250
Cards, playing		5 per ct.

Cassia:		
Buds	per picul	0.750
Lignea	do	.920
Twigs	do	.170
Cement	per cask of 3 piculs	.150
Cereals and flour (including barley, maize, millet, oats, paddy, rice, wheat, and flour made therefrom; also buckwheat and buckwheat flour, corn flour and yellow corn meal, rye flour, and hovis flour, but not including arrowroot and arrowroot flour, cracked wheat, germea, hominy, pearl barley, potato flour, quaker oats, rolled oats, sago and sago flour, shredded wheat, tapioca and tapioca flour, and yam flour)		Free.
Chairs, Vienna bent-wood	per dozen	.800
Charcoal	per picul	.030
Cheese		5 per ct.
Chestnuts	per picul	.180
China root, whole, sliced, or in cubes	do	.650
China ware, coarse and fine		5 per ct.
Chloride of lime	per picul	.300
Chocolate, sweetened	per pound	.012
Cigarettes:		
First quality (value exceeding 4.50 taels per thousand), per thousand		.500
Second quality (value not exceeding 4.50 taels per thousand), per thousand		.090
Cigars		.500
Cinnabar	per picul	3.750
Cinnamon	do	4.000
Clams, dried	do	.550
Clocks of all kinds		5 per ct.
Cloves	per picul	.630
Cloves, mother	do	.360
Coal:		
Asiatic	per ton	.250
Other kinds	do	.600
Asiatic, briquettes	do	.500
Cochineal		5 per ct.
Cockles:		
Dried	per picul	.500
Fresh	do	.050
Cocoa	do	3.600
Coffee	do	1.000
Coir canes:		
1 foot long	do	.200
5 feet long	per thousand	.300
Coke:		
Asiatic	per ton	.500
Other kinds	do	.900
Compoy	per picul	2.000
Coral	per catty	1.110
Coral beads	do	.750
Coral, broken and refuse	do	.550
Cordage of all kinds		5 per ct.
Cornelian beads	per picul	7.000
Cornelian stones, rough	per hundred	.300
Corundum sand	per picul	.195
Cotton piece goods:		
Gray shirtings or sheetings, not exceeding 40 inches wide and not exceeding 40 yards long—		
(*a*) Weight 7 pounds and under	per piece	.050
(*b*) Weight over 7 pounds and not over 9 pounds	do	.080
(*c*) Weight over 9 pounds and not over 11 pounds	do	.110
(*d*) Weight over 11 pounds	do	.120
Imitation native cotton cloth (hand-made), gray or bleached—		
(*a*) Not exceeding 20 inches wide and not exceeding 20 yards long; weight 3 pounds and under	per piece	.027
(*b*) Exceeding 20 inches wide		5 per ct.

Cotton piece goods—Continued.

White shirtings, white Irishes, white sheetings, white brocades, and white striped or spotted shirtings: not exceeding 37 inches wide and not exceeding 42 yards long——per piece—— 0.135

Drills, gray or white: not exceeding 31 inches wide and not exceeding 40 yards long—

(*a*) Weight 12¾ pounds and under——per piece—— .100

(*b*) Weight over 12¾ pounds——do—— .125

Jeans, gray or white—

(*a*) Not exceeding 31 inches wide and not exceeding 30 yards long——per piece—— .090

(*b*) Not exceeding 31 inches wide and not exceeding 40 yards long——per piece—— .120

T cloths, gray or white—

(*a*) Not exceeding 34 inches wide and not exceeding 24 yards long——per piece—— .070

(*b*) Not exceeding 34 inches wide and exceeding 24 yards, but not exceeding 40 yards long——per piece—— .135

(*c*) Exceeding 34 inches but not exceeding 37 inches wide and not exceeding 24 yards long——per piece—— .080

Crimp cloth and crape, plain—

(*a*) Not exceeding 30 inches wide and not exceeding 6 yards long——per piece—— .027

(*b*) Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long——per piece—— .035

(*c*) Not exceeding 30 inches wide but exceeding 10 yards long——per yard—— .003½

White muslins, white lawns: and white cambrics: not exceeding 46 inches wide and not exceeding 12 yards long——per piece—— .032

Mosquito netting, white or colored: not exceeding 90 inches wide, per yard—— .010

Lenos and Balzarines, white, dyed, or printed: not exceeding 31 inches wide and not exceeding 30 yards long——per piece—— .090

Leno brocades and balzarine brocades, dyed—— 5 per ct.

Prints—

(*a*) Printed cambrics, lawns, or muslins: not exceeding 46 inches wide and not exceeding 12 yards long——per piece—— .037

(*b*) Printed chintzes, printed crapes, printed drills, printed furnitures, printed shirtings, printed T-cloths (including those goods known as blue and white printed T-cloths), printed twills: but not including goods mentioned in (*e*) and (*h*)—

1. Not exceeding 20 inches wide—— 5 per ct.

2. Exceeding 20 inches but not exceeding 31 inches wide and not exceeding 30 yards long——per piece—— .080

(*c*) Printed crimp cloth—

1. Not exceeding 30 inches wide and not exceeding 6 yards long——per piece—— .027

2. Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long——per piece—— .035

3. Not exceeding 30 inches wide but exceeding 10 yards long, per yard—— .003½

(*d*) Printed lenos and balzarines: not exceeding 31 inches wide and not exceeding 30 yards long——per piece—— .090

(*e*) Printed sheetings: not exceeding 36 inches wide and not exceeding 43 yards long——per piece—— .185

(*f*) Printed Turkey reds: of all kinds, not exceeding 31 inches wide and not exceeding 25 yards long——per piece—— .100

(*g*) Printed sateens, printed satinets, printed reps, printed cotton lastings, including all cotton piece goods which are both dyed and printed, except those specified in (*f*) and (*h*), and including any special finish, such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish: not exceeding 32 inches wide and not exceeding 32 yards long——per piece—— .250

(*h*) Duplex prints or reversible cretonnes (not including those goods known as blue and white printed T-cloths)—— 5 per ct.

Dyed cottons—	
(*a*) Dyed plain cottons, *i. e.*, without woven or embossed figures (including plain Italians, lastings, reps, and ribs, and all other dyed plain cottons not otherwise enumerated, and including any special finish, such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish): not exceeding 36 inches wide and not exceeding 33 yards long ---------- per piece--	0.240
(*b*) Dyed figured cottons, *i. e.*, with woven or embossed figures (including figured Italians and lastings, figured reps, and figured ribs, and all other dyed figured cottons not otherwise enumerated, and including any special finish, such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish): not exceeding 36 inches wide and not exceeding 33 yards long---------- per piece--	.150
(*c*) Dyed crimp cloth—	
1. Not exceeding 30 inches wide and not exceeding 6 yards long ---------- per piece--	.027
2. Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long---------- per piece--	.035
3. Not exceeding 30 inches wide but exceeding 10 yards long ---------- per yard--	.003½
(*d*) Dyed drills: not exceeding 31 inches wide and not exceeding 43 yards long---------- per piece--	.170
(*e*) Dyed lenos and balzarines: not exceeding 31 inches wide and not exceeding 30 yards long---------- per piece--	.090
(*f*) Dyed leno brocades----------	5 per ct.
(*g*) Dyed muslins, lawns, and cambrics: not exceeding 46 inches wide and not exceeding 12 yards long---------- per piece--	.037
(*h*) Dyed shirtings and sheetings: not exceeding 36 inches wide and not exceeding 43 yards long---------- per piece--	.150
(*i*) Hongkong-dyed shirtings: not exceeding 36 inches wide and not exceeding 20 yards long---------- per piece--	.100
(*j*) Dyed cotton cuts: not exceeding 36 inches wide and not exceeding 5¼ yards long---------- per piece-- (N. B.—The pro rata rule does not apply.)	.022½
(*k*) Dyed T-cloths (including dyed alpacianos), dyed real and imitation Turkey reds of all kinds: not exceeding 32 inches wide and not exceeding 25 yards long—	
1. Weight 3¼ pounds and under---------- per piece--	.060
2. Weight over 3¼ pounds---------- do----	.100
Flannelettes and cotton Spanish stripes—	
(*a*) Cotton flannel, Canton flannel, swan's-down, flannelettes, and raised cotton cloths of all kinds, plain, dyed, and printed—	
1. Not exceeding 36 inches wide and not exceeding 15 yards long ---------- per piece--	.065
2. Not exceeding 36 inches wide, exceeding 15 yards but not exceeding 30 yards long---------- per piece--	.130
(*b*) Dyed cotton Spanish stripes—	
1. Not exceeding 32 inches wide and not exceeding 20 yards long ---------- per piece--	.085
2. Exceeding 32 inches but not exceeding 64 inches wide and not exceeding 20 yards long---------- per piece--	.170
Colored woven cottons, *i. e.*, dyed in the yarn, except crimp cloth-----	5 per ct.
Crimp cloth—	
(*a*) Not exceeding 30 inches wide and not exceeding 6 yards long, per piece ----------	.027
(*b*) Not exceeding 30 inches wide and exceeding 6 yards but not exceeding 10 yards long---------- per piece--	.035
(*c*) Not exceeding 30 inches wide but exceeding 10 yards long, per yard ----------	.003½
Velvets and velveteens, velvet cords, and fustians—	
(*a*) Velvets and velveteens, plain—	
1. Not exceeding 18 inches wide---------- per yard--	.006
2. Exceeding 18 inches but not exceeding 22 inches wide, per yard----------	.007

Velvets and velveteens, velvet cords, and fustians—Continued.		
(*a*) Velvets and velveteens, plain—Continued.		
3. Exceeding 22 inches but not exceeding 26 inches wide, per yard		0.008
(*b*) Velvets and velveteens, printed or embossed; not exceeding 30 inches wide	per yard	.015
(*c*) Dyed velvet cords, dyed velveteen cords, dyed corduroys, dyed fustians of any description: not exceeding 30 inches wide,	per yard	.015
Blankets, cotton, plain, printed, or jacquard	per piece	.030
Handkerchiefs, cotton—		
(*a*) Plain, dyed, or printed, not embroidered, hemstitched or initialed: not exceeding 1 yard square	per dozen	.020
(*b*) All other handkerchiefs		5 per ct.
Singlets or drawers, cotton	per dozen	.125
Socks, cotton (including lisle thread)—		
First quality (*i. e.*, valued at 1 tael or over per dozen pairs), per dozen pairs		.075
Second quality (*i. e.*, valued at less than 1 tael per dozen pairs), per dozen pairs		.032
Towels, cotton—		
(*a*) Honeycomb or huckaback, plain or printed (dimensions exclusive of fringe)—		
1. Not exceeding 18 inches wide and not exceeding 40 inches long	per dozen	.020
2. Exceeding 18 inches wide and not exceeding 50 inches long	per dozen	.030
(*b*) All other towels		5 per ct.
Cottons, unclassed		5 per ct.
Cotton, raw	per picul	.600
Cotton thread:		
Ball thread, dyed or undyed	do	3.000
On spools—		
50 yards	per gross	.040
100 yards	do	.080
200 yards	do	.160
Cotton yarn:		
Gray or bleached	per picul	.950
Dyed		5 per ct.
Gassed		5 per ct.
Mercerized		5 per ct.
Wooloa or berlinette	per picul	3.500
Cow bezoar, Indian		5 per ct.
Crabs' flesh	per picul	.600
Crocodile (including armadillo) scales	do	.600
Currants	do	.500
Cutch	do	.300
Cuttlefish	do	.667
Dyes, colors, and paints:		
Aniline		5 per ct.
Blue—		
Paris	per picul	1.500
Prussian	do	1.500
Bronze powder	do	2.200
Carthamin		5 per ct.
Chrome yellow		5 per ct.
Cinnabar	per picul	3.750
Gamboge	do	2.700
Green—		
Emerald	do	1.000
Schweinfurt, or imitation	do	1.000
Indigo—		
Dried, artificial or natural		5 per ct.
Liquid—		
Artificial	per picul	2.025
Natural	do	.215
Paste, artificial	do	2.025

Dyes, colors, and paints—Continued.		
Lead—		
Red, dry or mixed with oil	per picul	0.450
White, dry or mixed with oil	do	.450
Yellow, dry or mixed with oil	do	.450
Logwood extract	do	.600
Ocher	do	.600
Smalt	do	1.600
Ultramarine	do	.500
Vermilion	do	4.000
Imitation		5 per ct.
White zinc		5 per ct.
Paints, unclassed		5 per ct.
Elephants' teeth (other than tusks) and jaws, whole or part	per picul	3.000
Elephants' tusks, whole or part	per catty	.170
Emery cloth and sandpaper (sheets not exceeding 144 square inches), per ream		.250
Emery powder		5 per ct.
Enameled ironware:		
Mugs, cups, basins, and bowls, 9 inches or under in diameter, decorated or not decorated	per dozen	.050
Basins and bowls, over 9 inches in diameter, agate, blue and white, gray, mottled, not decorated	per dozen	.090
Basins and bowls, over 9 inches in diameter, decorated (with gold), per dozen		.175
Basins and bowls, over 9 inches in diameter, decorated (without gold), per dozen		.125
Enamel ware, unclassed		5 per ct.
Fans:		
Palm-leaf—		
Coarse	per thousand	0.280
Fine	do	.450
Fancy	do	1.000
Paper or cotton, of all kinds	do	1.400
Silk		5 per ct.
Feathers:		
Kingfisher—		
Part skins (*i. e.*, wings, tails, or backs)	per hundred	.250
Whole skins	do	.600
Peacock		5 per ct.
Files. *See* Tools.		
Fire clay	per picul	.050
Firewood	do	.010
Fish:		
Cuttle	do	.667
Dried or smoked, in bulk (including stockfish but not including cuttle fish)	per picul	.315
Fresh	do	.137
Maws	do	4.250
Salt	do	.160
Stock	do	.315
Fishskins	do	.600
Flints	do	.040
Flour. *See* Cereals.		
Flour, arrowroot, potato, sago, tapioca, yam		5 per ct.
Fungus or agaric	per picul	1.750
Fungus, white	per catty	.250
Galangal	per picul	.170
Gambier	do	.300
Gambier, false or cunao (yam-root dyestuff)	do	.150
Gamboge	do	2.700
Gasoline or stove naphtha	per 10 gallon drum	.150
Ginseng:		
Crude—		
First quality (value exceeding 2 taels per catty)	per catty	.210
Second quality (value not exceeding 2 taels per catty)	do	.072

Ginseng—Continued.		
Clarified or cleaned—		
First quality (value exceeding 11 taels per catty)	per catty	1.100
Second quality (value exceeding 6 taels but not exceeding 11 taels per catty)	per catty	.375
Third quality (value exceeding 2 taels but not exceeding 6 taels per catty)	per catty	.220
Fourth quality (value not exceeding 2 taels per catty)	do	.080
Glass:		
Plate—		
Silvered	per square foot	.025
Unsilvered		5 per ct.
Window—		
Colored, stained, ground, or obscured, per box of 100 square feet		.350
Common, not stained, colored, or otherwise obscured, per box of 100 square feet		.170
Glass powder (*see* match-making materials)	per picul	.110
Glue	do	.830
Gold thread, imitation. *See* Thread.		
Groundnuts	do	.150
Gum arabic	do	1.000
Gum benjamin	do	.600
Gum benjamin, oil of		5 per ct.
Gum dragon's blood	per picul	4.000
Gum myrrh	do	.465
Gum olibanum	do	.450
Gum resin	do	.187
Gutta-percha. *See* India Rubber.		
Hair, horse	do	1.400
Hair, horsetails	do	2.500
Hams		5 per ct.
Handkerchiefs. *See* Cotton piece goods.		
Hartall or orpiment	per picul	.450
Hemp		5 per ct.
Hessians or burlaps, all weights	per 1,000 yards	2.850
Hide poison or specific		5 per ct.
Hides, buffalo and cow	per picul	.800
Hollow-ware: cast coated or tinned	do	.500
Hoofs, animal	do	.125
Hops		5 per ct.
Horns:		
Buffalo and cow	per picul	.350
Deer		5 per ct.
Rhinoceros	per catty	2.400
Hosiery. *See* Cotton piece goods (socks).		
India-rubber and gutta-percha articles (other than boots and shoes)		5 per ct.
India-rubber and gutta-percha, crude	per picul	3.140
India-rubber boots	per pair	.080
India-rubber shoes	do	.020
India-rubber, old (fit only for remanufacture)	per picul	.250
Indigo:		
Dried, artificial or natural		5 per ct.
Liquid—		
Artificial	per picul	2.025
Natural	do	.215
Paste, artificial	do	2.025
Ink, printing		5 per ct.
Isinglass (fish glue)	per picul	4.000
Isinglass, vegetable	do	1.750
Jams and jellies in tins, bottles, or jars:		
1-pound	per dozen	.060
2-pound	do	.118
Joss sticks	per picul	.640
Kerosene oil cans and cases, empty	per 2 cans in 1 case	.005

Lace open work or insertion work of cotton, machine made:		
(*a*) Not exceeding 1 inch wide, outside measurement, per 12 dozen yards		0.050
(*b*) Exceeding 1 inch but not exceeding 2 inches wide, outside measurement	per 12 dozen yards	.100
(*c*) Exceeding 2 inches but not exceeding 3 inches wide, outside measurement	per 12 dozen yards	.166
(*d*) Exceeding 3 inches wide, outside measurement, per 12 dozen yards		.216
Lace open work or insertion work of any fibrous material except silk or cotton or imitation gold or silver thread:		
(*a*) Machine made	per catty	.500
(b) Hand made (including cotton)	do	2.400
Lacquer ware		5 per ct.
Lamps and their accessories		5 per ct.
Lamp wick	per picul	2.000
Lard, pure or compound	do	.600
Lead, red, white, yellow, dry or mixed with oil	do	.450
Leather:		
Belting		5 per ct.
Calf	per picul	7.000
Colored	do	7.000
Cow	do	2.500
Harness (not includinng enameled or pigskin)	do	3.000
Kid	do	7.000
Sole	do	2.500
Patent	do	7.000
All other kinds		5 per ct.
Lichees, dried	per picul	.450
Lily flowers, dried	do	.325
Lily seed (*i. e.*, lotus nuts without husks)	do	1.000
Lime, chloride of	do	.300
Linen		5 per ct.
Liqueurs. *See* Wines, etc.		
Licorice	per picul	.500
Logwood extract	do	.600
Lotus nuts (*i. e.*, lily seeds with husks)	do	.400
Lucraban seed	do	.350
Lung-ngan pulp	do	.550
Lung-ngans, dried	do	.450
Macaroni and vermicelli, and similar pastes	do	.325
Mace		5 per ct.
Machines, sewing, hand or foot		5 per ct.
Madeira. *See* Wines, etc. (vins de liqueur).		
Malaga. *See* Wines, etc. (vins de liqueur).		
Malt	per picul	.370
Mangrove bark	do	.073
Manure, chemical		5 per ct.
Margarin, in tins, jars, or kegs	per picul	1.400
Marsala. *See* Wines, etc. (vins de liqueur).		
Matches:		
Rainbow or brilliant	per 50 gross boxes	1.500
Wax vestas: not exceeding 100 in a box	per 10 gross boxes	1.600
Wood, safety or other—		
Large: boxes not exceeding $2\frac{1}{2}$ by $1\frac{1}{2}$ by $\frac{3}{4}$ inches, per 50 gross boxes		.630
Small: boxes not exceeding 2 by $1\frac{3}{8}$ by $\frac{5}{8}$ inches, per 100 gross boxes		.920
Boxes exceeding above sizes		5 per ct.
Match-making materials:		
Glass powder	per picul	.110
Phosphorus	do	4.125
Splints	do	.088
Wax, paraffin	do	.500
Wood shavings	do	.113

Mats:		
Coir (door)	per dozen	1.000
Formosa, grass (bed)	each	.050
Rush	per hundred	.500
Straw	do	.225
Tatami	each	.045
Matting:		
Coir: not exceeding 36 inches wide	per roll of 100 yards	2.750
Straw: not exceeding 36 inches wide	per roll of 40 yards	.250
Meats, in bulk:		
Beef, corned, pickled, in barrels	per picul	.375
Dry-salted meat, in boxes and barrels	do	.475
Dry sausages	do	.808
Ham and breakfast bacon, in boxes or barrels		5 per ct.
Lard, pure or compound	per picul	.600
Melon seeds	do	.250
Metals:		
Antifriction		5 per ct.
Antimony	per picul	.700
Brass and yellow metal—		
Bars and rods	do	1.150
Bolts and nuts and accessories	do	1.150
Foil	do	1.675
Nails	do	1.150
Screws		5 per ct.
Sheets, plates, and ingots	per picul	1.150
Tubes	do	1.150
Wire	do	1.150
Copper—		
Bars and rods	do	1.300
Bolts, nuts, rivets, and washers		5 per ct.
Ingots	per picul	1.175
Nails	do	1.300
Sheets and plates	do	1.300
Slabs	do	1.175
Tacks		5 per ct.
Tubes		5 per ct.
Wire	per picul	1.300
Dross—		
Iron	do	.160
Iron and tin	do	.300
Tin	do	.500
German silver—		
Sheets	do	2.200
Wire	do	1.500
Iron and mild steel, new—		
Anchors, and parts thereof; mill iron; mill and ship's cranks; and forgings for vessels, steam engines, and locomotives (weighing each 25 pounds or over)	per picul	.265
Angles	do	.140
Anvils and parts of	do	.400
Bar	do	.140
Bolts and nuts		5 per ct.
Castings, rough	per picul	.140
Chains, and parts of	do	.265
Cobbles and wire shorts	do	.130
Hoops	do	.140
Kentledge	do	.075
Nail rod	do	.140
Nails—		
Wire	do	.200
Other kinds		5 per ct.
Pig	per picul	.075
Pipes and tubes		5 per ct.
Plate cuttings	per picul	.110
Plates and sheets	do	.140

Metals—Continued.		
Iron and mild steel, new—Continued.		
Rails	per picul	0.125
Rivets	do	.250
Screws		5 per ct.
Sheets and plates	per picul	.140
Tacks, blue, of all sizes	do	.400
Wire	do	.250
Iron, galvanized—		
Bolts and nuts		5 per ct.
Cobbles and wire shorts	per picul	.130
Sheets—		
Corrugated	do	.275
Plain	do	.275
Tubes		5 per ct.
Wire	per picul	.250
Wire, shorts	do	.130
Iron, old, and scrap, of any description (fit only for remanufacture)	per picul	.090
Lead—		
Pigs	do	.285
Sheets	do	.330
Lead pipes	do	.375
Nickel, unmanufactured	do	2.600
Quicksilver	do	4.280
Spelter	do	.375
Steel—		
Bamboo	do	.250
Bars	do	.250
Plates and sheets	do	.250
Tool, and cast	do	.750
Wire and wire rope	do	.750
Steel, mild. *See* Iron.		
Tin—		
Compound		5 per ct.
Foil		5 per ct.
Sheets and pipes	per picul	1.725
Slabs	do	1.500
Tacks, blue, of all sizes	do	.400
Tinned plates—		
Decorated	do	.350
Plain	do	.290
White metal—		
Sheets	do	2.200
Wire	do	1.500
Yellow metal. *See* Brass.		
Zinc—		
Boiler plates	do	.600
Powder	do	.400
Sheets, including perforated	do	.520
Milk, condensed, in tins	per case of 4 dozen 1-pound tins	.250
Mineral waters	per 12 bottles or 24 half bottles	.050
Mirrors		5 per ct.
Morphia, in all forms	per ounce	3.000
Molding	per thousand feet	1.050
Mushrooms	per picul	1.800
Musical boxes		5 per ct.
Musk	per catty	9.000
Mussels, dried	per picul	.400
Needles:		
No. 7–0	per 100 mille	1.800
No. 3–0	do	1.500
Assorted, not including 7–0	do	.985
Nutgalls	per picul	.870
Nutmegs	do	1.500
Oakum	do	.500

Oil:		
Castor—		
Lubricating	per picul	0.510
Medicinal	do	1.000
Clove	per catty	.150
Cocoanut	per picul	.400
Colza	per American gallon	.050
Engine—		
(*a*) Wholly or partly of mineral origin	do	.015
(*b*) All other kinds (except castor)	do	.025
Ginger	per picul	6.750
Kerosene	per case of 10 American gallons	.070
In bulk	per 10 American gallons	.050
Olive	per imperial gallon	.062
Sandalwood	per catty	.240
Wood	per picul	.500
Oil cans and cases (kerosene) empty	per 2 cans in 1 case	.005
Olives, fresh, pickled, or salted	per picul	.180
Opium	per picul—duty	30.000
	per picul—likin	80.000
Husk	per catty	.062
Orange peel	per picul	.800
Oysters, dried		5 per ct.
Packing, asbestus. *See* Asbestus.		
Packing, engine and boiler, all other kinds		5 per ct.
Paints. *See* Dyes, colors, and paints.		
Paper:		
Cigarette: not exceeding 2 by 4 inches	per 100,000 leaves	.125
Printing—		
Calendered and (or) sized	per picul	.700
Not calendered or unsized	do	.300
Writing or foolscap	do	1.200
All other kinds		5 per ct.
Peel, orange	per picul	.800
Pepper:		
Black	do	.760
White	do	1.330
Perfumery		5 per ct.
Phosphorus	per picul	4.125
Pitch	do	.125
Plushes and velvets:		
(*a*) Plushes and velvets of pure silk	per catty	.650
(*b*) Silk seal (with cotton back)	do	.200
(*c*) Plushes and velvets of silk mixed with other fibrous materials (with cotton back)	per catty	.150
(*d*) Plushes, all cotton (including mercerized)	do	.110
(*e*) Velvets, cotton. *See* Cotton piece goods.		
Pork rind	per picul	.500
Prawns, dried (*see also* Shrimps)	do	1.000
Preserved fruits, in glass bottles, jars, cardboard or wooden boxes, including weight of immediate package	per picul	.650
Purses, leather (not including silver or gold mounted)	per gross	.500
Putchuck	per picul	.715
Raisins and currants	do	.500
Rattan:		
Chairs		5 per ct.
Core	per picul	.225
Skin	do	.750
Rattans:		
Split	do	.325
Whole	do	.225
Resin	do	.187
Ribbons, silk, silk and cotton, silk and other fibers, with or without imitation gold or silver thread	per catty	.550
Rope		5 per ct.
Rose maloes	per picul	1.000
Safflower	do	.525

Sake:		
In barrels	per picul	0.400
In bottles	per 12 bottles or 24 half bottles	.110
Saltpeter and nitrate of soda	per picul	.325
Sand, red	do	.045
Saudalwood	do	.400
Sapan wood	do	.112
Sea-horse teeth		5 per ct.
Seaweed:		
Cut	per picul	.150
Long	do	.100
Prepared	do	1.000
Seed:		
Lily (*i. e.*, lotus nuts without husks)	do	1.000
Lotus nuts (*i. e.*, lily seeds with husks)	do	.400
Lucraban	do	.350
Melon	do	.250
Pine, or fir nuts	do	.200
Sesamum	do	.200
Sharks' fins:		
Black	do	1.608
Clarified or prepared	do	6.000
White	do	4.600
Shellac	do	2.500
Shells:		
Mother-of-pearl	do	.700
Other kinds		5 per ct.
Sherry. *See* Wines, etc. (vins de liqueur).		
Shoes and boots, india-rubber, for Chinese:		
Boots	per pair	.080
Shoes	do	.020
Shrimps, dried (*see also* Prawns)	per picul	.630
Silk piece goods, all silk (including crape):		
(*a*) Plain	per catty	.325
(*b*) Brocaded or otherwise figured	do	.700
Silk piece goods, mixtures (*i. e.*, silk and cotton, or silk and other materials) (including crape but not including mixtures with real or imitation gold or silver thread):		
(*a*) Plain	per catty	.250
(*b*) Brocaded or otherwise figured	do	.500
Silver thread, imitation. (*See* Thread.)		
Sinews:		
Buffalo and cow	per picul	.550
Deer	do	1.050
Singlets or drawers:		
Cotton	per dozen	.125
Mixture		5 per ct.
Skins:		
Fish	per picul	.600
Sharks		5 per ct.
Smalt	per picul	1.600
Snuff		5 per ct.
Soap:		
Household and laundry (including blue mottled), in bulk, bars, and doubletes weighing not less than one-half pound each, per picul		.240
Toilet and fancy		5 per ct.
Socks, cotton (including lisle thread):		
First quality (*i. e.*, valued at 1 tael or over per dozen pairs), per dozen pairs		.075
Second quality (*i e.*, valued at less than 1 tael per dozen pairs), per dozen pairs		.032
Soda:		
Ash	per picul	.150
Bicarbonate	do	.150
Caustic	do	.225
Crystals	do	.120
Crystals, concentrated	do	.140

Soy	per picul	0.250
Spirits. (*See* Wines, etc.)		
Spirits of wine. (*See* Wines, etc.)		
Stick-lac	do	.700
Stout. (*See* Wines, etc.)		
Sugar:		
Brown, up to No. 10 Dutch standard	do	.190
Candy	do	.300
White, No. 11 Dutch standard and over, including cube and refined	per picul	.240
Sulphur and brimstone:		
Crude	do	.150
Refined	do	.250
Sulphuric acid	do	.187
Sunshades. (*See* Umbrellas.)		
Telescopes, binoculars, and mirrors		5 per ct.
Thread:		
Cotton—		
Balls, dyed or undyed	per picul	3.000
Spools (50 yards)	per gross	.040
Gold and silver—		
Imitation (on silk)		5 per ct.
Real		5 per ct.
Gold, imitation (on cotton)	per catty	.125
Silver, imitation (on cotton)	do	.090
Tiles 6 inches square	per hundred	.600
Timber:		
Beams—		
Hard wood	per cubic foot	.020
Soft wood (including Oregon pine and California redwood, on a thickness of 1 inch)	per 1,000 superficial feet	1.150
Teak wood	per cubic foot	.081
Laths	per thousand	.210
Masts and spars—		
Hard wood		5 per ct.
Soft wood		5 per ct.
Piles and piling (including Oregon pine and California redwood: on a thickness of 1 inch)	per 1,000 superficial feet	1.150
Planks—		
Hard wood	per cubic foot	.020
Teak wood	do	.081
Planks and flooring—		
Soft wood (including Oregon pine and California redwood, and allowing 10 per cent of each shipment to be tongued and grooved; on a thickness of 1 inch), per 1,000 sperficial feet		1.150
Soft wood (tongued and grooved, in excess of above, 10 per cent)		5 per ct.
Railway sleepers		5 per ct.
Teak-wood lumber, of all lengths and description	per cubic foot	.081
Tinder	per picul	.350
Tin foil		5 per ct.
Tobacco:		
Leaf	per picul	.800
Prepared—		
In bulk	do	.950
In tins or packages under 5 pounds each		5 per ct.
Tools:		
Axes and hatchets	per dozen	.500
Files, file blanks, rasps, and floats, of all kinds—		
Not exceeding 4 inches long	do	.040
Exceeding 4 inches and not exceeding 9 inches long	do	.072
Exceeding 9 inches and not exceeding 14 inches long	do	.168
Exceeding 14 inches long	do	.224
Tortoise shell	per catty	.450

Trimmings:	
Bead	5 per ct.
Cotton (pure or mixed with other materials but not silk)	5 per ct.
Cotton (mixed with silk and imitation gold or silver thread)	5 per ct.
Tumeric—per picul	.185
Turpentine—per gallon	.036
Twine	5 per ct.
Ultramarine—per picul	.500
Umbrella frames—per dozen	.080
Umbrellas, parasols, and sunshades:	
With handles wholly or partly of precious metals, ivory, mother-of-pearl, tortoise shell, agate, etc., or jeweled	5 per ct.
With all other handles—	
Cotton—each	.020
Mixtures, not silk—each	.030
Silk and silk mixtures—do	.080
Varnish, crude lacquer, gum lacquer, or oil lacquer	5 per ct.
Vaseline	5 per ct.
Vegetables, dried and salted or pickled, in bulk	5 per ct.
Vermicelli—per picul	.325
Vermilion—do	4.000
Vermuth. (*See* Wines, etc.)	
Watches, of all kinds	5 per ct.
Waters, aërated and mineral—per 12 bottles or 24 half bottles	.050
Wax:	
Bees, yellow—per picul	1.600
Japan—do	.650
Paraffin—do	.500
Sealing	5 per ct.
White	5 per ct.
Wines, etc.:	
Champagnes and all other sparkling wines, in bottles, per case of 12 bottles or 24 half bottles	.650
Still wines, red or white, exclusively the produce of the natural fermentation of grapes—	
(*a*) Having less than 14° of alcohol—	
1. In bottles—per case of 12 bottles or 24 half bottles	.300
2. In bulk—per imperial gallon	.025
(b) Having 14° or more of alcohol; also vins de liqueur other than port—	
1. In bottles—per case of 12 bottles or 24 half bottles	.500
2. In bulk—per imperial gallon	.150
Port wine—	
In bottles—per case of 12 bottles or 24 half bottles	.700
In bulk—per imperial gallon	.175
Vermuth and byrrh—per case of 12 liters	.250
Sake—	
In barrels—per picul	.400
In bottles—per case of 12 bottles or 24 half bottles	.110
Brandies and whiskies, in bulk—per imperial gallon	.125
Brandy and cognac, in bottles—per case of 12 reputed quarts	.500
Whisky, in bottles—per case of 12 reputed quarts	.350
Other spirits (gin, rum, etc.)—	
In bottles—do	.200
In bulk—per imperial gallon	.090
Spirits of wine, in packages of any description—do	.028
Ales, beers, cider, and perry—	
In bottles—per case of 12 reputed quarts or 24 reputed pints	.085
In casks—per imperial gallon	.020
Porters and stouts—	
In bottles—per case of 12 reputed quarts or 24 reputed pints	.100
In casks—per imperial gallon	.025
Liqueurs	5 per ct.

Wood:		
Camapon	per picul	0.090
Ebony	do	.200
Fragrant		5 per ct.
Garoo	per catty	.100
Kranjee		5 per ct.
Laka	per picul	.125
Lignum-vitæ		5 per ct.
Puru	per picul	.075
Red	do	.200
Rose	do	.200
Sandal	do	.400
Sapan	do	.112
Scented		5 per ct.
Shavings, Hinoki	per picul	1.000
Woolen and cotton mixtures:		
Flannel (woolen and cotton): not exceeding 33 inches wide, per yard		.015
Italian cloth, plain or figured, having warp entirely cotton and all one color, and weft entirely wool and all one color: not exceeding 32 inches wide and not exceeding 32 yards long	per piece	.372
Poncho cloth: not exceeding 76 inches wide	per yard	.030
Spanish stripes (woolen and cotton): not exceeding 64 inches wide	per yard	.014
Union cloth: Not exceeding 76 inches wide	do	.030
Woolen and cotton mixtures, unclassed, including alpacas, lusters, Orleans, Sicilians, etc		5 per ct.
Woolen manufactures:		
Blankets and rugs	per pound	.020
Broadcloth: not exceeding 76 inches wide	per yard	.047½
Bunting: not exceeding 24 inches wide and not exceeding 40 yards long	per piece	.200
Camlets, Dutch: not exceeding 33 inches wide and not exceeding 61 yards long	per piece	1.000
Camlets, English: not exceeding 31 inches wide and not exceeding 61 yards long	per piece	.500
Flannel: not exceeding 33 inches wide	per yard	.015
Habit cloth: not exceeding 76 inches wide	do	.047½
Lastings, plain, figured or craped: not exceeding 31 inches wide and not exceeding 32 yards long	per piece	.450
Llama braid	per picul	5.000
Long ells: not exceeding 31 inches wide and not exceeding 25 yards long	per piece	.250
Medium cloth: not exceeding 76 inches wide	per yard	.047½
Russian cloth: not exceeding 76 inches wide	do	.047½
Spanish stripes: not exceeding 64 inches wide	do	.021
Woolens (unclassed)		5 per ct.
Woolen and worsted yarns and cords (not including Berlin wool) per picul		5.300
Berlin wool	per picul	4.000
Wooloa or berlinette	do	3.500
Worm tablets, in bottles, not exceeding 60 pieces	per dozen	.035
Yarn:		
Asbestus	per picul	2.250
Coir		5 per ct.
Cotton—		
Bleached or gray	per picul	.950
Dyed		5 per ct.
Gray	per picul	.950
Mercerized or gassed		5 per ct.
Wooloa or berlinette	per picul	3.500
Wool, Berlin	do	4.000
Woolen and worsted (not including Berlin wool)	do	5.300

NOTE.—If any of the articles enumerated in this tariff are imported in dimensions exceeding those specified, the duty is to be calculated in proportion to the measurements as defined.

RULES.

Rule I.

Imports unenumerated in this Tariff will pay Duty at the rate of 5 per cent. ad valorem; and the value upon which Duty is to be calculated shall be the market value of the goods in local currency. This market value when converted into Haikwan Taels shall be considered to be 12 per cent. higher than the amount upon which Duty is to be calculated.

If the goods have been sold before presentation to the Customs of the Application to pay Duty, the gross amount of the bona fide contract will be accepted as evidence of the market value. Should the goods have been sold on c. f. and i. terms, that is to say, without inclusion in the price of Duty and other charges, such c. f. and i. price shall be taken as the value for Duty-paying purposes without the deduction mentioned in the preceding paragraph.

If the goods have not been sold before presentation to the Customs of the Application to pay Duty, and should a dispute arise between Customs and importer regarding the value or classification of goods, the case will be referred to a Board of Arbitration composed as follows:

An official of the Customs; a merchant selected by the Consul of the importer; and a Merchant differing in nationality from the importer, selected by the Senior Consul.

Questions regarding procedure, etc., which may arise during the sittings of the Board shall be decided by the majority. The final finding of the majority of the Board, which must be announced within fifteen days of the reference (not including holidays), will be binding upon both parties. Each of the two merchants on the Board will be entitled to a fee of Ten Haikwan Taels. Should the Board sustain the Customs valuation, or, in the event of not sustaining that valuation, should it decide that the goods have been undervalued by the importer to the extent of not less than 7½ per cent., the importer will pay the fees; if otherwise, the fees will be paid by the Customs. Should the Board decide that the correct value of the goods is 20 per cent. (or more) higher than that upon which the importer originally claimed to pay Duty, the Customs authorities may retain possession of the goods until full Duty has been paid and may levy an additional Duty equal to four times the Duty sought to be evaded.

In all cases invoices, when available, must be produced if required by the Customs.

Rule II.

The following will not be liable to Import Duty: Foreign Rice, Cereals, and Flour; Gold and Silver, both Bullion and Coin; Printed Books, Charts, Maps, Periodicals, and Newspapers; Samples in reasonable quantities, and certified to be for show and not for sale; Government Stationery for Consulates in China; Passengers Baggage for *bona fide* private use; Circulars, etc., distributed gratis by mercantile houses; and Private Effects (not including Wines, Stores, and Tobacco) of individual Foreigners imported by themselves for their own personal use and not for sale, provided that the Customs authorities are satisfied that the articles in question fulfil these conditions.

A freight or part freight of Duty-free commodities (personal baggage of less than twenty passengers and Gold and Silver Bullion and Foreign Coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to Tonnage Dues.

Drawbacks will be issued for Ships Stores and Bunker Coal when taken on board.

Rule III.

Except at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them, Import trade is prohibited in all Arms, Ammunition, and Munitions of War of every description. No Permit to land them will be issued until the Customs have proof that the necessary authority has

been give to the importer. Infraction of this rule will be punishable by confiscation of all the goods concerned. The import of Salt is absolutely prohibited.

SHENG HSÜAN-HUAI
LÜ HAI-HUAN

Subject to the approval of His Imp. & Roy.
Apostolic Majesty's Government E v. HIRSCH
Ad referendum D. SIFFERT.
DR BOYÉ.
JAS. L. MACKAY
E. HIOKI,
M. ODAGIRI
J. YAMAOKA
Ad referendum advocaat F. B. v'JACOB
JOHN GOODNOW

SHANGHAI *Aug. 29th 1902.*

YOUR EXCELLENCIES,

With reference to the New Tariff which has just been signed, this note puts on record that the following words have been erased from Rule II of the Rules at the end of the Tariff;—"Samples in reasonable quantities & certified to be for show, & not for sale; Government stationery for Consulates in China, passengers' baggage for bonâ fidê private use; circulars, &c, distributed gratis of Mercantile houses; and private effects (not including wines, stores & tobacco) of individual foreigners imported by themselves for their own personal use & not for sale provided that the Custom Authorities are satisfied that the articles in question fulfil these conditions"; and also "personal baggage of less than twenty passengers and"

It is understood between the Foreign & Chinese Commissioners that, though the above words have been eliminated from the Rules, the matter therein referred to will be dealt with by the Inspector General of the Imperial Maritime Customs at his discretion in accordance with the instructions issued by him subsequent to the Final Protocol of the 7th September 1901.

We have the honour to be, Your Excellencies' obedient servants

(signed) HIRSCH
(signed) D. SIFFERT
(signed) DR. BOYÉ
(signed) JAS. L. MACKAY
(signed) E. HIOKI
(signed) J. YAMAOKA
Advocaat
(signed) F. B. v' JACOB
(signed) D. SIFFERT
(signed) JOHN GOODNOW

DUTY FREE LIST.[a]

Vide T. G. Circulars Nos. 979, 984, 1016, 1020, 1022, 1025, 1026.

Instructions received.

12th Oct. 1901. 1. Foreign Rice, cereals and flour, gold and silver coined and uncoined.
12th Oct. 1901 2. Legation supplies from abroad.
7th Nov. 1901. 3. Supplies for the use of Foreign forces Military and Naval.
19th Apl. 1902 4. Official stationary actually transmitted by foreign Government Departments for Foreign Consulates.
1 May, 1902 5. Supplies under Government stores Certificates.
31 May, 1902 6. Materials for Railways the import of which "free" is provided for by agreements antedating the Peace Protocol.
10th May, 1902 7. Samples; in reasonable quantities certified for show and not for sale.

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[a] The figures in the Import Tariff schedule express amounts in haikwan taels.

3 June, 1902	8. Circulars, etc., distributed gratis by mercantile houses.
12th Oct. 1901	9. The *bona fide* baggage of travellers i. e. passengers luggage
3 June, 1902	arriving either with the owner or by a vessel other than that by which the passenger travels.
3 June, 1902	10. Clothing, books, pictures and furniture already in use when brought in by residents and not for sale.
31 May, 1902	N. B. Ships Coal and provisions are entitled to drawbacks.

1905.

NEW AGREEMENT BETWEEN CHINA AND CERTAIN POWERS MODIFYING THE FINAL PROTOCOL OF 1901 CONCERNING THE WHANG PU CON-

Concluded September 27, 1905.

NOTE.—The text of this agreement will be found under "International conventions," volume 2, page 2013.

1908.

ARBITRATION CONVENTION.

Signed at Washington, October 8, 1908; ratification advised by the Senate, December 10, 1908; ratified by the President, March 1, 1909; ratifications exchanged at Washington, April 6, 1909; proclaimed, April 6, 1909.

ARTICLES.

I. Differences to be submitted.	III. Duration.
II. Special agreement.	IV. Ratification.

The President of the United States of America and His Majesty the Emperor of China, taking into consideration the fact that the High Contracting Parties to the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for that purpose have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of China, Wu Ting-fang, Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Mexico, Peru, and Cuba;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting

Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals.

Done at the City of Washington, in duplicate, this 8th day of October, one thousand nine hundred and eight, corresponding to the 14th day of the 9th month of the 34th year of Kuang Hsü.

ELIHU ROOT [SEAL]
WU TING FANG [SEAL]

COLOMBIA.

The Republic of Colombia, established in 1819, was divided in November, 1831, into three independent republics, New Grenada, Venezuela, and Ecuador. In 1862 its name was changed to the United States of Colombia, and in 1886 the States were abolished and the country became the Republic of Colombia. The treaties with the country became the Republic of Colombia. The treaties with New Granada are given in chronological order with those of Colombia.

1824.[a]

Treaty of Amity, Commerce, and Navigation.

Concluded October 3, 1824; ratification advised by the Senate March 3, 1825; ratified by the President March 7, 1825; ratifications exchanged May 27, 1825; proclaimed May 31, 1825.

Articles.

I. Amity.
II. Most favored nation.
III. Commerce and navigation.
IV. Reciprocal privileges of citizens.
V. Indemnity for embargo.
VI. Asylum to vessels in distress.
VII. Captures by pirates.
VIII. Shipwrecks.
IX. Disposition of property.
X. Special privileges to citizens.
XI. Religious freedom.
XII. Privileges of neutrals in war.
XIII. Neutral flag.
XIV. Contraband.
XV. Blockade.
XVI. Neutral vessels, detention.
XVII. Neutral vessels.
XVIII. Visitation and search.
XIX. Nationality of vessels.
XX. Vessels not subject to visitation.
XXI. Prize courts.
XXII. Letters of marque.
XXIII. Reciprocal privileges of citizens.
XXIV. Confiscation of debts and securities.
XXV. Most favored nation to ministers.
XXVI. Consuls.
XXVII. Exequaturs.
XXVIII. Rights of consuls.
XXIX. Deserters.
XXX. Consular convention.
XXXI. Duration; ratification.

In the name of God, Author and Legislator of the Universe.

The United States of America, and the Republic of Colombia, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce and navigation.

For this most desirable object, the President of the United States of America has conferred full powers on Richard Clough Anderson,

[a] This treaty expired by its own limitation October 3, 1836.

junior, a citizen of the said States, and their Minister Plenipotentiary to the said Republic; and the Vice-President of the Republic of Colombia, charged with the executive power, on Pedro Gual, Secretary of State and of Foreign Relations, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Colombia desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

ARTICLE III.

The citizens of the United States may frequent all the coasts and countries of the Republic of Colombia, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

In like manner the citizens of the Republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures and merchandise, and shall pay no other or greater duties, charges or fees whatsoever than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees and usages there established, and to which are submitted the subjects and citizens of the most favored nations.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment

and sale of their goods and merchandise by whole sale or retail, as with respect to the loading, unloading and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VI.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VII.

All the ships, merchandise and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of the respective Governments.

ARTICLE VIII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported.

ARTICLE IX.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take pos-

session thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective States.

ARTICLE X.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary, with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XI.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

It shall be lawful for the citizens of the United States of America and of the Republic of Colombia to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another

place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognized this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Article XIII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and, as such, shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises, of the neutral, embarked in such enemy's ships, shall be free.

Article XIV.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

First. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms;

Secondly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

Thirdly. Cavalry belts, and horses with their furniture;

Fourthly. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XV.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blocked up; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XVI.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XVII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XVIII.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examina-

tion of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XIX.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

Article XX.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article XXI.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motive on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXIII.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States, and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXV.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers and other public agents the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of Colombia may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXVI.

To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXVII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXVIII.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXIX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers, of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXX.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXI.

The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit the relations

which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce and navigation, have declared solemnly, and do agree to the following points:

First. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers;

Second. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation;

Third. If, (what, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed;

Fourth. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Colombia, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Colombia, have signed and sealed these presents.

Done in the city of Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four, in the forty-ninth year of the Independence of the United States of America, and the fourteenth of that of the Republic of Colombia.

[SEAL.] RICHARD CLOUGH ANDERSON, JR.
[SEAL.] PEDRO GUAL.

(COLOMBIA.)

New Granada.

1846.

Treaty of Peace, Amity, Navigation, and Commerce.

Concluded December 12, 1846; ratification advised by the Senate June 3, 1848; ratified by the President June 10, 1848; ratifications exchanged June 10, 1848; proclaimed June 12, 1848.

Articles.

I. Amity.
II. Most-favored-nation clause.
III. Commerce and navigation.
IV. Mutual privileges of shipping.
V. Customs duties.
VI. Declaration of reciprocal treatment.
VII. Freedom of trade.
VIII. Embargo.
IX. Asylum to vessels.
X. Captures by pirates.
XI. Shipwrecks.
XII. Disposal of property.
XIII. Mutual protection.
XIV. Religious freedom.
XV. Neutrality; free ships, free goods.
XVI. Enemy's property.
XVII. Contraband goods.
XVIII. Trade by neutrals.
XIX. Confiscation of contraband.
XX. Blockade.
XXI. Visitation and search.
XXII. Proof of nationality of vessels.
XXIII. Vessels under convoy.
XXIV. Prize cases.
XXV. Conduct of hostilities.
XXVI. Letters of marque.
XXVII. Protection in case of war.
XXVIII. Confiscation prohibited.
XXIX. Diplomatic privileges.
XXX. Consular officers.
XXXI. Consular rights.
XXXII. Consular exemptions.
XXXIII. Deserters from ships.
XXXIV. Agreement for consular convention.
XXXV. Isthmus of Panama; duration; violations.
XXXVI. Ratification.
Additional article. Acceptance of nationality of vessels.

The United States of North America and the Republic of New Granada, in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between each other, by means of a treaty, or general convention of peace and friendship, commerce and navigation.

For this desirable object the President of the United States of America has conferred full powers on Benjamin A. Bidlack, a citizen of the said States, and their Chargé d'Affaires in Bogota; and the President of the Republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino, Secretary of State and Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures and merchandise; and that they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of New Granada; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into the Republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks

shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of New Granada.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of New Granada; and no higher or other duties shall be imposed on the importation into the Republic of New Granada of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of New Granada, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of New Granada, to or from the territories of the United States or to or from the territories of the Republic of New Granada, which shall not equally extend to all other nations.

ARTICLE VI.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said Republic of New Granada and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained, with their vessels, cargoes, merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE IX.

Whenever the citzens of either of the contracting parties shall be forced to seek refuge or assylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions, or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind, or the payment of port-fees, or any charges other than pilotage, except such vessels continue in port longer than forty-eight hours, counting from the time they cast anchor in port.

ARTICLE X.

All the ships, merchandise and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys or agents, of their respective governments.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE XIII.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each

other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose, they may either appear in proper person, or employ in the prosecution or defense of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article XIV.

The citizens of the United States residing in the territories of the Republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States, who may die in the territories of the Republic of New Granada, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner, the citizens of New Granada shall enjoy, within the Government and territories of the United States, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

Article XV.

It shall be lawful for the citizens the United States of America and of the Republic of New Grenada to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be

found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either, (contraband goods being always excepted.) It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers and soldiers and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE XVI.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

ARTICLE XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

All other merchandise, and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce,

so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XIX.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Article XX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all

the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident and shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

For the purpose of lessening the evils of war, the two high contracting parties further agree that, in case a war should unfortunately

take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defense of property.

ARTICLE XXVI.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE XXVII.

If by any fatality, which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of New Granada, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVIII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money, which they may have in public funds nor in public or private banks, shall ever in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXIX.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers and other public agents the same favors, immunities and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities or privileges the United States of America or the Republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXX.

To make more effectual the protection which the United States and the Republic of New Granada shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign

commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Article XXXI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Article XXXII.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXIII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving, by an exhibition of the registers of the vessels or ship's roll or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXXIV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as

soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXV.

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandise of the United States, in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import-duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls or charges of any kind, to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2d. The present treaty shall reman in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the thirteenth of October, 1824, shall cease to have effect, notwithstanding what was disposed in the first point of its 31st article.

3d. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulation, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

Article XXXVI.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the President of the Republic of New Granada, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of New Granada, have signed and sealed these presents in the city of Bogota, on the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] B. A. Bidlack.
[SEAL.] M. M. Mallarino.

ADDITIONAL ARTICLE.

The Republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be

provided by the respective Government with a patent, issued according to its laws.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in the city of Bogota, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] B. A. BIDLACK.
[SEAL.] M. M. MALLARINO.

1850.

CONSULAR CONVENTION.

Concluded May 4, 1850; ratification advised by the Senate September 24, 1850; ratified by the President November 14, 1850; ratifications exchanged October 30, 1851; proclaimed December 5, 1851.

ARTICLES.

I. Officers authorized.
II. Exequaturs.
III. Functions.
IV. Good offices.
V. Prerogatives, exemptions, etc.
VI. Legal status of consuls.
VII. Passports.
VIII. Ratification.
IX. Duration.

In the name of the Most Holy Trinity.

The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article of the treaty of peace, amity, navigation and commerce, concluded on the twelfth of December, 1846, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties, in order to comply with this article, and more effectively to protect their commerce and navigation, they have given adequate authority to their respective Plenipotentiaries, to wit:

The Government of New Granada to Raphael Rivas, its Chargé d'Affaires in the United States, and the Government of the United States, to John M. Clayton, Secretary of State;

Who, after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

Each of the two contracting Republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other

Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each Republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls, in all the cases to which this convention refers.

Article II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the Government of the Republic in which they are to reside their letters-patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogatives, in his respective consular district. The Government receiving the Consul may withdraw the exequatur or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

Article III.

The Consuls admitted in either Republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

4. They may accompany the captains, mates or masters of vessels of their nation in all that they may have to do with regard to the

manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They may receive depositions, protests and statements from captains, mates and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, provided that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales, observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall

not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest, at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the consulate has none and one is required for authenticating documents.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to commercial agents.

Article IV.

The Consuls of one of the contracting Republics residing in another country may employ their good offices in favor of individuals of the other Republic which has no Consul in that country.

Article V.

The contracting Republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The archives and papers of the consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their chancellors or secretaries shall be exempt from all public service, and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their chancellors or secretaries who may be natives of the country in which they reside.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

Article VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

Article VII.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, court or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

Article VIII.

The present convention shall be ratified by the Governments of the two contracting Republics, and the ratifications shall be exchanged at Bogota within the term of eighteen months, counted from this date, or sooner if possible.

Article IX.

The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation and commerce between the United States and New Granada, the ratifications of which were exchanged at Washington, on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force.

In faith whereof we, the Plenipotentiaries of the United States and of New Granada, have signed the present, and have affixed to

it our respective seals at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] RAFAEL RIVAS.

1857.

CLAIMS CONVENTION.

Concluded September 10, 1857; ratification advised by the Senate with amendments March 8, 1859; ratified by the President March 12, 1859; time for ratifications extended by the Senate May 8, 1860; ratifications exchanged November 5, 1860; proclaimed November 8, 1860.

ARTICLES.

I. Claims to be considered, etc.
II. Duties of Commissioners.
III. Award.
IV. Duration of Commission.
V. Decisions.
VI. Expeuses.
VII. Ratification.

The United States of America and the Republic of New Granada, desiring to adjust the claims of citizens of said States against New Granada, and to cement the good understanding which happily subsists between the two Republics, have, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States upon Lewis Cass, Secretary of State of the United States, and the President of New Granada upon General Pedro A. Herran, Envoy Extraordinary and Minister Plenipotentiary of that Republic in the United States;

Who, after exchanging their full powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

All claims on the part of corporations, companies or individuals, citizens of the United States, upon the Government of New Granada, which shall have been presented prior to the first day of September, 1859, either to the Department of State at Washington, or to the minister of the United States at Bogota, and especially those for damages which were caused by the riot at Panama on the fifteenth of April, 1856, for which the said Government of New Granada acknowledges its liability, arising out of its privilege and obligation to preserve peace and good order along the transit route, shall be referred to a Board of Commissioners, consisting of two members, one of whom shall be appointed by the Government of the United States and one by the Government of New Granada. In case of the death, absence or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act, the Government of the United States, or that of New Granada, respectively, or the Minister of the latter in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

The Commissioners so named shall meet in the city of Washington within ninety days from the exchange of the ratifications of this convention, and, before proceeding to business, shall make and subscribe

a solemn oath that they will carefully examine and impartially decide, according to justice and equity, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States. And such oath shall be entered on the record of their proceedings.

The Commissioners shall then proceed to name an Arbitrator or Umpire, to decide upon any case or cases on which they may differ in opinion. And if they cannot agree in the selection, the Umpire shall be appointed by the Minister of Prussia to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

Article II.

The Arbitrator being appointed, the Commissioners shall proceed to examine and determine the claims which may be presented to them, under the provisions of this convention, by the Government of the United States, together with the evidence submitted in support of them, and shall hear, if required, one person in behalf of each Government on every separate claim. Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as the Commissioners may deem important to the just determination of any claims presented to them. In cases where they agree to award an indemnity, they shall determine the amount to be paid, having due regard, in claims which have grown out of the riot of Panama of April 15, 1856, to damages suffered through death, wounds, robberies or destruction of property. In cases where they cannot agree, the subjects of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

Article III.

The Commissioners shall issue certificates of the sums to be paid by virtue of their awards to the claimants, and the aggregate amount of said sums shall be paid to the Government of the United States, at Washington, in equal semi-annual payments, the first payment to be made six months from the termination of the Commission, and the whole payment to be completed within eight years from the same date; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum from the day on which the awards, respectively, shall have been decreed. To meet these payments, the Government of New Granada hereby specially appropriates one-half of the compensation which may accrue to it from the Panama Railroad Company, in lieu of postages, by virtue of the thirtieth article of the contract between the Republic of New Granada and said Company, made April 15, 1850, and approved June 4, 1850, and also one-half of the dividends which it may receive from the net profits of said road, as provided in the fifty-fifth article of the same contract; but if these funds should prove insufficient to make the payments as above stipulated, New Granada will provide other means for that purpose.

ARTICLE IV.

The Commission herein provided shall terminate its labors in nine months from and including the day of its organization; shall keep an accurate record of its proceedings, and may appoint a secretary to assist in the transaction of its business.

ARTICLE V.

The proceedings of this Commission shall be final and conclusive with respect to all the claims before it, and its awards shall be a full discharge to New Granada of all claims of citizens of the United States against that Republic which may have accrued prior to the signature of this convention.

ARTICLE VI.

Each Government shall pay its own Commissioner, but the Umpire, as well as the incidental expenses of the Commission, shall be paid, one-half by the United States, and the other half by New Granada.

ARTICLE VII.

The present Convention shall be ratified, and the ratifications exchanged in Washington.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington, this tenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven.

[SEAL.] LEW. CASS.
[SEAL.] P. A. HERRAN.

The commission provided for in the foregoing treaty met at Washington June 10, 1861, and adjourned March 9, 1862. Amount of awards, $496,235.47. Not having completed all the cases presented to them, the treaty of 1864, following, was concluded, extending the commission.

1864.

CLAIMS CONVENTION.

Concluded February 10, 1864; ratification advised by the Senate June 10, 1864; ratified by the President July 9, 1864; time for exchange of ratifications extended by the Senate June 25, 1864; ratifications exchanged August 19, 1865; proclaimed August 19, 1865.

ARTICLES.

I. Extension. | II. Ratification.

Whereas a Convention for the adjustment of claims was concluded between the United States of America and the Republic of New Gra-

nada, in the city of Washington, on the tenth of September, 1857, which convention, as afterward amended by the contracting parties, was proclaimed by the President of the United States on the 8th November, 1860;

And whereas the Joint Commission organized under the authority conferred by the preceding mentioned convention did fail, by reason of uncontrollable circumstances, to decide all the claims laid before them under its provisions, within the time to which their proceedings were limited by the 4th article thereof;

The United States of America and the United States of Colombia, the latter representing the late Republic of New Granada, are desirous that the time originally fixed for the duration of the commission should be so extended as to admit the examination and adjustment of such claims as were presented to but not settled by the joint commission aforesaid, and to this end have named Plenipotentiaries to agree upon the best mode of accomplishing this object, that is to say: The President of the United States of America, William H. Seward, Secretary of State of the United States of America, and the President of the United States of Colombia, Señor Manuel Murillo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia;

Who, having exchanged their full powers, have agreed as follows:

Article I.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission, shall be extended for a period not exceeding nine months from the exchange of ratifications of this convention, it being agreed that nothing in this article contained shall in any other wise alter the provisions of the convention above referred to; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner and with the duties and powers respectively expressed in the said former convention.

Article II.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have hereunto affixed their seals.

Done at Washington this tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] Wm. H. Seward.
[SEAL.] M. Murillo.

Under the foregoing convention a new commission was organized, which met at Washington, August 4, 1865, and adjourned May 19, 1866. The awards amounted to $88,267.68.

1888.

Extradition Convention.

Concluded May 7, 1888; ratification advised by the Senate with amendments March 26, 1889; ratification with amendments proposed by Colombia advised by the Senate February 27, 1890; ratified by the President March 12, 1890; ratifications exchanged November 12, 1890; proclaimed February 6, 1891.

Articles.

I. Reciprocal delivery of accused.
II. Extraditable crimes.
III. Proceedings.
IV. Persons under arrest.
V. Political offenses.
VI. Requisitions and surrender.
VII. Temporary detention.
VIII. Evidence required.
IX. Delivery of foreigners.
X. Persons not to be delivered.
XI. Persons under obligations.
XII. Expenses.
XIII. Duration; ratification.

The President of the United States of America, and the President of the Republic of Colombia, with the view of facilitating the administration of justice and to insure the suppression of crimes, which may be committed within the territories and jurisdictions of the two countries and the perpetrators of which may attempt to escape punishment by leaving one country, and taking refuge in the other, have agreed to conclude a Convention establishing rules for the reciprocal extradition of persons accused or convicted of the crimes hereinafter enumerated.

And they have for that purpose authorized and empowered their respective Plenipotentiaries, to wit:—The President of the United States of America—John G. Walker. Chargé d'Affaires *ad interim*, and the President of the Republic of Colombia—Vicente Restrepo, Minister of Foreign Affairs, who after communicating to each other their respective full powers, which are found to be in due form, have agreed upon the following articles:

Article I.

The Government of the United States of America, and the Government of the Republic of Colombia, under the restrictions and limitations hereinafter contained, agree to deliver, reciprocally, all persons accused, or convicted, as principals or accessories, of any of the crimes mentioned in Article II of this Convention, committed within territories or jurisdiction of the one and who are found within the territories or jurisdiction of the other Government.

Article II.

The crimes for which extradition is to be reciprocally accorded, are as follows:

1. Murder and attempts to commit murder, by assault, poison or otherwise.

2. Counterfeiting, or altering money, or knowingly uttering or bringing into circulation counterfeit or altered money; counterfeiting

or altering certificates or coupons of public indebtedness, bank notes or other instruments of public credit; or knowingly uttering or circulating the same.

3. Forgery, or altering, or uttering what is forged or altered.

4. Embezzlement, being the criminal misapplication of public or private funds, documents or property; or the funds, documents or property of municipal or other corporations, held in trust by a public officer, or as a fiduciary agent, or a confidential employé.

5. Robbery.

6. Burglary, defined to be the breaking into or entering, either in day or night time, the house, office or other building of a government, corporation or private person, with the intent of committing a felony therein.

7. Perjury or the subornation of perjury.

8. Rape.

9. Arson.

10. Piracy, as defined by the Law of Nations.

11. Murder, manslaughter, or assault with intent to kill, on the high seas, on board of vessels sailing under the flag of the demanding party.

12. Malicious destruction, or attempted destruction, of railways, bridges, tramways, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

Article III.

When the extradition of a criminal, charged or convicted of any of the foregoing offenses, is demanded, it must be supported by the production of a duly authenticated warrant of arrest, made in accordance with the laws of the country making the demand, and the depositions upon which it is based. If the person whose extradition is demanded has already been convicted, the demand must be accompanied by a duly authenticated copy of the sentence of the court in which he was convicted, and with the attestation of the proper executive authority; the latter of which must be certified by the Minister or Consul of the Government upon which the demand is made.

Article IV.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

Article V

If it be made to appear that the extradition is sought with the view of trying or punishing the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for a political offense, committed previously to extradition, or for any offense other than that for which extradition was granted.

ARTICLE VI

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or in the event of the absence of these from the country or from the seat of government, by superior consular officers. The fugitive shall be surrendered only on such evidence of criminality as would justify his arrest and trial under the laws of the country where he is found, had the crime been there committed.

ARTICLE VII

On being informed by telegraph, or other written communication, through the diplomatic channel, that a lawful warrant has been issued, by a competent authority, upon probable cause, for the arrest of a fugitive criminal, charged with any of the crimes enumerated in Article II of this Convention, and on being assured, through the same source, that a request for the surrender of such criminal is about to be made, in accordance with the provisions of this Convention, each government will endeavor to procure, so far as it lawfully may, the personal arrest of such criminal, and may keep him in safe cutody, for a reasonable time, not exceeding three months, to wait the production of the documents, upon which the claim for extradition is founded.

ARTICLE VIII

When a person is extradited under the formalities prescribed in this Convention, all documents and other objects, which may tend to establish his guilt, may be delivered to the demanding Government, as well as all money or effects which he may have or may have had in his possession or subject to his control, the unlawful possession or taking of which constitutes the offense, in whole or in part, for which his extradition is requested.

ARTICLE IX

In case a person, who is equally a foreigner in the United States of America and in the Republic of Colombia, takes refuge in either country, after having committed any of the foregoing crimes, within one or the other jurisdiction, extradition can be accorded only after the Government, or its Representative, of which the criminal is a citizen or subject, has been duly informed, and afforded an opportunity to file objections to the extradition.

ARTICLE X

Neither of the high contracting parties shall be bound to deliver up its own citizens, under the stipulations of this Convention.

ARTICLE XI

The fact that the person whose extradition is demanded, has contracted obligations of which extradition would hinder the performance, shall be no bar to his extradition.

Article XII

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government requesting the extradition.

Article XIII

The present Convention shall commence to be effective sixty days after the exchange of ratifications thereof, but offenses committed, anterior to that time, shall furnish no grounds for a demand for extradition. For the termination of this convention twelve months notice must be given by either of the high contracting parties.

This Convention shall be ratified, and the ratifications exchanged in the City of Bogotá, as soon as possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of Colombia, have signed and sealed these presents, in the City of Bogotá, this seventh day of May in the year of Our Lord one thousand eight hundred and eighty-eight.

[SEAL.] John G. Walker.
[SEAL.] Vicente Restrepo

CONGO.

(KONGO.)

1884.

DECLARATION AS TO THE INTENTION OF THE INTERNATIONAL ASSOCIATION OF THE CONGO AND THE RECOGNITION OF ITS FLAG BY THE UNITED STATES.

Signed April 22, 1884; advised by the Senate April 10, 1887.

DECLARATION BY THE INTERNATIONAL ASSOCIATION OF THE CONGO.

The International Association of the Congo, hereby declares that by Treaties with the legitimate sovereigns in the basins of the Congo and of the Niadi-Kiahm and in adjacent territories upon the Atlantic, there has been ceded to it, territory for the use and benefit of free States established, and being established, under the care and supervision of the said Association in the said basins and adjacent territories, to which cession the said free States of right succeed.

That the said International Association has adopted for itself and for the said Free States, as their standard, the flag of the International African Association, being a blue flag with a golden star in the center.

That the said Association and the said States have resolved to levy no Custom-House duties upon goods or articles of merchandise imported into their territories or brought by the route which has been constructed around the Congo cataracts; this they have done with a view of enabling commerce to penetrate into Equatorial Africa.

That they guarantee to foreigners settling in their territories the right to purchase, sell or lease, lands and buildings situated therein, to establish commercial houses and to there carry on trade upon the sole condition that they shall obey the laws. They pledge themselves, moreover, never to grant to the citizens of one nation any advantages without immediately extending the same to the citizens of all other nations, and to do all in their power to prevent the Slave-trade.

In testimony whereof, Henry S. Sanford, duly empowered therefor, by the said Association, acting for itself and for the said Free States, has hereunto set his hand and affixed his seal, this twenty-second day of April, 1884, in the city of Washington.

[SEAL.] H. S. SANFORD.

RECOGNITION OF THE FLAG BY THE UNITED STATES.

Frederick T. Frelinghuysen, Secretary of State, duly empowered therefor by the President of the United States of America, and pursuant to the advice and consent of the Senate, heretofore given, acknowledges the receipt of the foregoing notification from the Inter-

national Association of the Congo, and declares that, in harmony with the traditional policy of the United States, which enjoins a proper regard for the commercial interests of their citizens while, at the same time, avoiding interference with controversies between other powers as well as alliances with foreign nations, the Government of the United States announces its sympathy with, and approval of, the humane and benevolent purposes of the International Association of the Congo, administering, as it does, the interests of the Free States there established, and will order the officers of the United States, both on land and sea, to recognize the flag of the International African Association, as the flag of a friendly Government.

In testimony whereof, he has hereunto set his hand and affixed his seal, this twenty-second day of April, A. D., 1884, in the city of Washington.

[SEAL.] FREDK. T. FRELINGHUYSEN.

1891.

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

Concluded January 24, 1891; ratification advised by the Senate January 11, 1892; ratified by the President January 19, 1892; ratifications exchanged February 2, 1892; proclaimed April 2, 1892.

ARTICLES.

I. Freedom of commerce and navigation.
II. Property rights.
III. Exemptions of service.
IV. Religious freedom.
V. Consular officers.
VI. Shipping privileges.
VII. Transportation.
VIII. Prohibitions.
IX. (Not agreed to.)
X. Import duties.
XI. Most favored nation privileges.
XII. Other privileges.
XIII. Arbitration.
XIV. Conditions.
XV. Ratification.

The United States of America, and

His Majesty Leopold II, King of the Belgians, Sovereign of the Independent State of the Congo,

desiring to perpetuate, confirm and encourage the relations of commerce and of good understanding existing already between the two respective countries by the conclusion of a treaty of amity, commerce, navigation and extradition, have for this purpose named as their respective plenipotentiaries, viz:

His Excellency, the President of the United States of America,

Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians; and

His Majesty, Leopold II King of the Belgians, Sovereign of the Independent State of the Congo,

Edm. Van Eetvelde, Administrator Géneral of the Département of Foreign Affairs, Officer of His order of Leopold,

who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be full, entire and reciprocal liberty of commerce, establishment and navigation between the citizens and inhabitants of the two High contracting Parties.

The citizens and inhabitants of the United States of America in the Independent State of the Congo and those of the Independent State of the Congo in the United States of America shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories; to carry on business there; and they shall enjoy in this respect for the protection of their persons and their property the same treatment and the same rights as the natives, or the citizens and inhabitants of the most favored nation.

They can freely exercise their industry or their business, as well wholesale as retail, in the whole extent of the territories, without being subjected, as to their persons or their property, or by reason of their business, to any taxes, general or local, imposts or conditions whatsoever other or more onerous than those which are imposed or may be imposed upon the natives other than non-civilized aborigines, or upon the citizens and inhabitants of the most favored nation.

In like manner they will enjoy reciprocally the treatment of the most favored nation in all that relates to rights, privileges, exemptions and immunities whatsoever concerning their persons or their property, and in the matter of commerce, industry and navigation.

ARTICLE II.

In all that concerns the acquisition, succession, possession and alienation of property, real and personal, the citizens and inhabitants of each of the High contracting Parties shall enjoy in the territories of the other all the rights which the respective laws accord or shall accord in those territories to the citizens and inhabitants of the most favored nation.

ARTICLE III.

The citizens and inhabitants of each of the High contracting Parties shall be exempt, in the territories of the other, from all personal service in the army, navy or militia and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatever, except the obligation of sitting, within a radius of one hundred kilometers from the place of their residence, as a juror in judicial proceedings; furthermore, their poperty shall not be taken for the public service without an ample and sufficient compensation.

They shall have free access to the courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect, and in what concerns domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens and inhabitants of the most favored nation, or to natives.

ARTICLE IV.

The citizens and inhabitants of the two countries shall enjoy, in the territory of the other, a full and entire liberty of conscience. They shall be protected in the free exercise of their worship; they shall have the right to erect religious edifices and to organize and maintain missions.

ARTICLE V.

It will be lawful for the two High contracting Parties to appoint and establish consuls, vice-consuls, deputy-consuls, consular agents and commercial agents in the territories of the other; but none of these agents can exercise his functions before having received the necessary exequatur from the Government to which he is delegated.

The said agents of each of the two High contracting Parties shall enjoy, in the territories of the other, upon the footing of a complete reciprocity, all the privileges, immunities and rights which are actually granted to those of the most favored nation or which may be accorded to them hereafter.

The said agents, citizens, or inhabitants of the State by which they are appointed, shall not be subject to preliminary arrest, except in the case of acts qualified as crimes by the local legislation and punished as such. They shall be exempt from military billeting and from service in the army, navy or militia, as well as from all direct taxes, unless these should be due on account of real estate, or unless the said agents should exercise a profession or business of any kind.

The said agents can raise their national flag over their offices.

The consular offices shall be at all times inviolable. The local authorities can not invade them under any pretext. They can not in any case examine or seize the papers which shall be there deposited. The consular office can not, on the other hand, serve as place of asylum, and if an agent of the consular service is engaged in business, commercial or other, the papers relating to the consulate shall be kept separate.

The said agents shall have the right to exercise all the functions generally appertaining to consuls, especially in what concerns the legalization of private and public documents, of invoices and commercial contracts, the taking of depositions and the right of authenticating legal acts and documents.

The said agents shall have the right to address the administrative and judicial authorities of the country in which they exercise their functions in order to complain of any infraction of the treaties or conventions existing between the two Governments, and for the purpose of protecting the rights and interests of the citizens and inhabitants of their country. They shall have also the right to settle all differences arising between the captains or the officers and the sailors of the sea-vessels of their nation. The local authorities shall abstain from interfering in these cases unless the maintenance of the public tranquility requires it, or, unless their assistance should be asked by the consular authority in order to assure the execution of its decisions.

The local authorities will give to the said agents and, on their default to the captains or their casual representatives, all aid for the search and arrest of sailor-deserters, who shall be kept and guarded

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in the prisons of the State upon the requisition and at the expense of the consuls or of the captains during a maximum delay of two months.

ARTICLE VI.

The citizens and inhabitants of each of the High contracting Parties shall have reciprocally, according to the same rights and conditions and with the same privileges as those of the most favored nation, the right to enter with their vessels and cargoes into all the ports and to navigate upon all the rivers and interior waters of the other State.

The vessels of each of the contracting Parties and of its citizens or inhabitants can freely navigate upon the waters of the territory of the other, without being subject to any other tolls, charges or obligations than those which the vessels belonging to the citizens or inhabitants of the most favored nation would have to bear.

There will not be imposed by either of the contracting Parties upon the vessels belonging to the other or to the citizens or inhabitants of the other, in the matter of tonnage, port charges, pilotage, lighthouse and quarantine dues, salvage of vessels and other administrative expenses whatsoever concerning navigation, any taxes or charges whatever, other or higher than those which are or shall be imposed upon the public or private vessels of the most favored nation.

It is agreed that every vessel belonging to one of the High contracting Parties or to a citizen or inhabitant of one of them, having the right to bear the flag of that country and having the right to its protection, both according to the laws of that country, shall be considered as a vessel of that nationality.

ARTICLE VII.

In what concerns the freight and facilities of transportation, and tolls, the merchandise belonging to the citizens or inhabitants of one of the contracting States transported over the roads, railroads and waterways of the other State, shall be treated on the same footing as the merchandise belonging to the citizens or inhabitants of the most favored nation.

ARTICLE VIII.

In the territories of neither of the High contracting Parties, shall there be established or enforced a prohibition against the importation, exportation or transit of any article of legal commerce, produced or manufactured in the territories of the other, unless this prohibition shall equally and at once be extended to all other nations.

ARTICLE IX.

[Stricken out by the Senate. (Extradition provisions.)]

ARTICLE X.

The Republic of the United States of America, recognizing that it is just and necessary to facilitate to the Independent State of the Congo the accomplishment of the obligations which it has contracted

by virtue of the General Act of Brussels of July 2nd, 1890, admits, so far as it is concerned, that import duties may be collected upon merchandise imported into the said State.

The tariff of these duties can not go beyond 10% of the value of the merchandise at the port of importation, during fifteen years to date from July 2nd, 1890, except for spirits, which are regulated by the provisions of Chapter VI of the General Act of Brussels.

At the expiration of this term of fifteen years, and in default of a new accord, the United States of America will be replaced, as to the Independent State of the Congo, in the situation which existed prior to July 2nd, 1890; the right to impose import duties to a maximum of 10% upon merchandise imported into the said State remaining acquired to it, on the conditions and within the limitations determined in articles XI and XII of this treaty.

Article XI.

The United-States shall enjoy in the Independent State of the Congo, as to the import duties, all the advantages accorded to the most favored nation.

It has been agreed besides:

1. That no differential treatment nor transit duty can be established;

2. That, in the application of the tariff *régime* which will be introduced, the Congo State will apply itself to simplify as far as possible, the formalities and to facilitate the operations of commerce.

Article XII.

Considering the fact that in Article X of the present treaty, the United-States of America have given their assent to the establishment of import duties in the Independent State of the Congo under certain conditions, it is well understood that the said Independent State of the Congo assures to the flag, to the vessels, to the commerce and to citizens and inhabitants of the United States of America, in all parts of the territories of that State, all the rights, privileges and immunities concerning import and export duties, tariff *régime*, interior taxes and charges and, in a general manner, all commercial interests, which are or shall be accorded to the signatory Powers of the Act of Berlin, or to the most favored nation.

Article XIII.

In case a difference should arise between the two High contracting Parties as to the validity, interpretation, application or enforcement of any of the provisions contained in the present treaty, and it could not be arranged amicably by diplomatic correspondence between the two Governments, these last agree to submit it to the judgment of an arbitration tribunal, the decision of which they bind themselves to respect and execute loyally.

The tribunal will be composed of three members. Each of the two High contracting Parties will designate one of them, selected outside of the citizens and the inhabitants of either of the contracting

States and of Belgium. The High contracting Parties will ask, by common accord, a friendly Government to appoint the third arbitrator, to be selected equally outside of the two contracting States and of Belgium.

If an arbitrator should be unable to sit by reason of death, resignation or for any other cause, he shall be replaced by a new arbitrator whose appointment shall be made in the same manner as that of the arbitrator whose place he takes.

The majority of arbitrators can act in case of the intentional absence or formal withdrawal of the minority. The decision of the majority of the arbitrators will be conclusive upon all questions to be determined.

The general expenses of the arbitration procedure will be borne, in equal parts, by the two High contracting Parties; but the expenses made by either of the parties for preparing and setting forth its case will be at the cost of that party.

Article XIV.

It is well understood that if the declaration on the subject of the import duties, signed July 2nd, 1890, by the signatory Powers of the Act of Berlin, should not enter into force, in that case, the present treaty would be absolutely null and without effect.

Article XV.

The present treaty shall be subject to the approval and the ratification, on the one hand, of the President of the United-States, acting by the advice and with the consent of the Senate, and on the other hand, of His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo.

The ratifications of the present treaty shall be exchanged at the same time as those of the General Act of Brussels of July 2nd, 1890, and it will enter into force at the same date as the latter.

In faith of which the respective Plenipotentiaries of the High contracting Parties have signed the present treaty in duplicate, in English and French, and have attached thereto their seals.

Done at Brussels the twenty-fourth day of the month of January of the year Eighteen hundred and ninety one.

Edwin H. Terrell.
[seal.]
Edm. Van Eetvelde.
[seal.]

COREA.

(KOREA.)

1882.[a]

Treaty of Peace, Amity, Commerce and Navigation.

Concluded May 22, 1882; ratification advised by the Senate January 9, 1883; ratified by the President February 13, 1883; ratifications exchanged May 19, 1883; proclaimed June 4, 1883.

Articles.

I. Amity.
II. Diplomatic and consular privileges.
III. Asylum; shipwrecks.
IV. Protection in Korea; exterritoriality.
V. Shipping dues; imports.
VI. Residence and travel.
VII. Opium traffic.
VIII. Exportation of breadstuffs and ginseng prohibited.
IX. Arms and ammunition.
X. Employing natives, etc.
XI. Privileges to students.
XII. Duration.
XIII. Language of correspondence.
XIV. Most favored nation privileges; ratification.

The United States of America and the Kingdom of Chosen, being sincerely desirous of establishing permanent relations of amity and friendship between their *respective peoples*, have to this end appointed—that is to say, the President of the United States—*R. W. Shufeldt, Commodore, U. S. Navy*, as his Commissioner Plenipotentiary, and His Majesty, the King of Chosen, *Shin-Chen, President of the Royal Cabinet, Chin-Hong-Chi, Member of the Royal Cabinet*, as his Commissioners Plenipotentiary, who, having reciprocally examined their respective full Powers, which have been found to be in due form, have agreed upon the several following articles:

Article I.

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the *citizens and subjects* of their respective Governments.

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[a] Article II of the agreement between Japan and Korea, November 17, 1905, provides: "The Government of Japan undertake to see to the execution of the treaties actually existing between Korea and other powers and the Government of Korea engaged not to conclude hereafter any act or engagement having an international character except through the medium of the Government of Japan." (For correspondence between the Governments of the United States and Japan concerning the agreement between Japan and Korea, see Foreign Relations, 1905, page 612.)

If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

Article II.

After the conclusion of this Treaty of amity and commerce, the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint *Consular Representatives* at the ports of the other, which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality.

The Diplomatic and Consular Representatives of the two Governments shall receive mutually all the privileges, rights and immunities without discrimination, which are accorded to the same class of Representatives from the most favored nation.

Consuls shall exercise their functions only on receipt of an *exequatur* from the Government, to which they are accredited. Consular authorities shall be *bona fide* officials. No merchants shall be permitted to exercise the duties of the office, nor shall Consular officers be allowed to engage in trade. At ports, to which no Consular Representatives have been appointed, the Consuls of other Powers may be invited to act, provided, that no merchant shall be allowed to assume Consular functions, or the provisions of this Treaty may, in such case, be enforced by the local authorities.

If Consular Representatives of the United States in Chosen conduct their business in an improper manner, their exequaturs may be revoked, subject to the approval previously obtained, of the Diplomatic Representative of the United States.

Article III.

Whenever United States vessels, either because of stress of weather, or by want of fuel or provisions cannot reach the nearest open port in Chosen, they may enter any port or harbor, either to take refuge therein, or to get supplies of wood, coal and other necessaries, or to make repairs, the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall display their sympathy by rendering full assistance, and their liberality by furnishing the necessities required.

If a United States vessel carries on a clandestine trade at a port not open to foreign commerce, such vessel with her cargo shall be seized and confiscated.

If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest Consular Representative of the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States.

ARTICLE IV.

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Subjects of Chosen, guilty of any criminal act towards citizens of the United States, shall be punished by the authorities of Chosen according to the laws of Chosen; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble or wound the persons or injure the property of the people of Chosen, shall be arrested and punished only by the Consul or other public functionary of the United States thereto authorized, according to the laws of the United States.

When controversies arise in the Kingdom of Chosen between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two Governments of the United States and Chosen, that such cases shall be tried by the proper official of the nationality of the defendant, according to the laws of that nation. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interest of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail.

It is however mutually agreed and understood between the High Contracting Powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his Kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States, the right of exterritorial jurisdiction over United States citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the Kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.

ARTICLE V.

Merchants and merchant-vessels of Chosen visiting the United States for purposes of traffic, shall pay duties and tonnage-dues and all fees according to the Customs-Regulations of the United States, but no higher or other rates of duties and tonnage-dues shall be exacted of them, than are levied upon citizens of the United States or upon citizens or subjects of the most favored nation.

Merchants and merchant-vessels of the United States visiting Chosen for purposes of traffic, shall pay duties upon all merchandise

imported and exported. The authority to levy duties is of right vested in the Government of Chosen. The tariff of duties upon exports and imports, together with the Customs-Regulations for the prevention of smuggling and other irregularities, will be fixed by the authorities of Chosen and communicated to the proper officials of the United States, to be by the latter notified to their citizens and duly observed.

It is however agreed in the first instance as a general measure, that the tariff upon such imports as are articles of daily use shall not exceed an *ad valorem* duty of ten *per centum;* that the tariff upon such imports as are luxuries, as for instance foreign wines, foreign tobacco, clocks and watches, shall not exceed an *ad valorem*-duty of thirty *per centum*, and that native produce exported shall pay a duty not to exceed five *percentum ad valorem.* And it is further agreed that the duty upon foreign imports shall be paid once for all at the port of entry, and that no other dues, duties, fees, taxes or charges of any sort shall be levied upon such imports either in the interior of Chosen or at the ports.

United States merchant-vessels entering the ports of Chosen shall pay tonnage-dues at the rate of five mace per ton, payable once in three months on each vessel, according to the Chinese calendar.

Article VI.

Subjects of Chosen who may visit the United States shall be permitted to reside and to rent premises, purchase *land*, or to construct residences or warehouses in all parts of the country. They shall be freely permitted to pursue their various callings and avocations, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law. Citizens of the United States who may resort to the ports of Chosen which are open to foreign commerce, shall be permitted to reside at such open ports within the limits of the concessions and to lease buildings or land, or to construct residences or warehouses therein. They shall be freely permitted to pursue their various callings and avocations within the limits of the port. and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

No coercion or intimidation in the acquisition of land or buildings shall be permitted, and the land-rent as fixed by the authorities of Chosen shall be paid. And it is expressly agreed that land so acquired in the open ports of Chosen still remains an integral part of the Kingdom, and that all rights of jurisdiction over persons and *property* within such areas remain vested in the authorities of Chosen, except in so far as such rights have been expressly relinquished by this Treaty.

American citizens are not permitted either to transport foreign imports to the interior for sale, or to proceed thither to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port.

Violations of this rule will subject such merchandise to confiscation, and the merchant offending will be handed over to the Consular Authorities to be dealt with.

ARTICLE VII.

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

ARTICLE VIII.

Whenever the Government of Chosen shall have reason to apprehend a scarcity of food within the limits of the Kingdom, His Majesty may by Decree temporarily prohibit the export of all breadstuffs, and such Decree shall be binding on all citizens of the United States in Chosen upon due notice having been given them by the Authorities of Chosen through the proper officers of the United States; but it is to be understood that the exportation of rice and breadstuffs of every description is prohibited from the open port of Yin-Chuen.

Chosen having of old prohibited the exportation of red gingseng, if citizens of the United States clandestinely purchase it for export, it shall be confiscated and the offenders punished.

ARTICLE IX.

The purchase of cannon, small arms, swords, gunpowder, shot and all munitions of war is permitted only to officials of the Government of Chosen, and they may be imported by citizens of the United States only under a written permit from the authorities of Chosen. If these articles are clandestinely imported, they shall be confiscated and the offending party shall be punished.

ARTICLE X.

The officers and people of either nation residing in the other, shall have the right to employ natives for all kinds of lawful work.

Should, however, subjects of Chosen, guilty of violation of the laws of the Kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens, or on board United States merchant-vessels, the Consular Authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to despatch constables to make the arrests, or the persons will be arrested by the Consular Authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbor such persons,

ARTICLE XI.

Students of either nationality, who may proceed to the country of the other, in order to study the language, literature, laws or arts, shall be given all possible protection and assistance in evidence of cordial good will.

ARTICLE XII.

This being the first Treaty negotiated by Chosen, and hence being general and incomplete in its provisions, shall in the first instance be put into operation in all things stipulated herein. As to stipulations not contained herein, after an interval of five years, when the officers and the people of the two Powers shall have become more familiar with each others language, a further negotiation of commercial provisions and regulations in detail, in conformity with international law and without unequal discriminations on either part shall be had.

ARTICLE XIII.

This Treaty, and future official correspondence between the two contracting Governments shall be made, on the part of Chosen, in the Chinese language.

The United States shall either use the Chinese language, or, if English be used, it shall be accompanied with a Chinese version, in order to avoid misunderstanding.

ARTICLE XIV.

The High Contracting Powers hereby agree that, should at any time the King of Chosen grant to any nation or to the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this Treaty, such right, privilege and favor shall freely inure to the benefit of the United States, its public officers, merchants and citizens, provided always, that whenever such right, privilege or favor is accompanied by any condition, or equivalent concession granted by the other nation interested, the United States, its officers and people shall only be entitled to the benefit of such right, privilege or favor upon complying with the conditions or concessions connected therewith.

In faith whereof the respective Commissioners Plenipotentiary have signed and sealed the foregoing at Yin-Chuen in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Yin-Chuen within one year from the date of its execution, and immediately thereafter this Treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their citizens and subjects respectively.

Chosen, May the 22nd, A. D. 1882.

[SEAL.] R. W. SHUFELDT,
Commodore, U. S. N., Envoy of the U. S. to Chosen.

[SEAL.] SHIN CHEN,
CHIN HONG CHI, } [*In Chinese.*]

[Senate resolution advising ratification.]

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 9, 1883.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Corea or Chosen, concluded on the 22nd of May 1882.

Resolved, That it is the understanding of the Senate in agreeing to the foregoing resolution, that the clause, "Nor are they permitted to transport native produce from one open port to another open port," in Article VI of said treaty, it is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Corea or Chosen to receive Corean cargo for exportation, or to discharge foreign cargo, and

Resolved, That the President be requested to communicate the foregoing interpretation of said clause to the Corean or Chosen government on the exchange of ratifications of said treaty, as the sense in which the United States understand the same.

Resolved further, That the Senate in advising and consenting to the treaty mentioned in the foregoing resolutions does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate, except in the case of a Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate, and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Resolved, That the Secretary communicate all the foregoing resolutions to the President.

Attest:

F. E. SHOBER,
Acting Secretary.

COSTA RICA.

1851.

Treaty of Friendship, Commerce and Navigation.

Concluded July 10, 1851; ratification advised by the Senate March 11, 1852; ratified by the President May 25, 1852; ratifications exchanged May 26, 1852; proclaimed May 26, 1852.

Articles.

I. Amity.
II. Freedom of commerce and navigation.
III. Most favored nation privileges.
IV. No discrimination in duties.
V. Tonnage duties.
VI. No discrimination on vessels.
VII. Equal trade privileges.
VIII. Equal treatment of citizens.
IX. Exemption from military service, etc.
X. Consular and diplomatic privileges.
XI. Rights in case of war.
XII. Property rights.
XIII. Duration.
XIV. Ratification.

In the name of the Most Holy Trinity.

Commercial intercourse having been for some time established between the United States and the Republic of Costa Rica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce and navigation. For this purpose they have named their respective plenipotentiaries, that is to say:

The President of the United States, Daniel Webster, Secretary of State, and his Excellency the President of the Republic of Costa Rica, Señor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Costa Rica and its citizens on the other.

Article II.

There shall be, between all the territories of the United States and the territories of the Republic of Costa Rica a reciprocal freedom of commerce. The subjects and citizens of the two countries, respec-

tively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the two countries respectively.

In like manner, the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers and places to which other foreign ships of war and packets are or may be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject always to the laws and statutes of the two countries respectively.

By the right of entering the places, ports and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade, national vessels only of the country where the trade is carried on are permitted to engage.

Article III.

It being the intention of the two high contracting parties to bind themselves, by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

Article IV.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being of the growth, produce or manufacture of the Republic of Costa Rica, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costa Rica, of any articles being the growth, produce or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce or manufacture of the territories of the United States, or of the Republic of Costa Rica, to or from the said territories of the United States, or to or from the Republic of Costa Rica, which shall not equally extend to all other nations.

ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light or harbor-dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costa Rica, on vessels of the United States, than those payable in the same ports by Costa Rican vessels; nor in any of the ports of the United States, on Costa Rican vessels, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Costa Rica of any article being of the growth, produce or manufacture of the territories of the United States, whether such importation shall be made in Costa Rican, or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce or manufacture of the Republic of Costa Rica, whether such importation shall be made in the United States or in Costa Rican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costa Rica of any articles being the growth, produce or manufacture of the territories of the United States, whether such exportations shall be made in Costa Rican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce or manufacture of the Republic of Costa Rica to the territories of the United States, whether such exportation shall be made in United States or in Costa Rican vessels.

ARTICLE VII.

All merchants, commanders of ships and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Costa Rica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costa Ricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costa Rican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares or merchandise imported into or exported from the Republic of Costa Rica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costa Rica under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases,

the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul General or Consul of the nation to which the deceased belonged, or the representative of such Consul General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costa Rican diplomatic agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and, in like manner, the diplomatic agents and Consuls of the United States in the Costa Rican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions and immunities are or may be granted in the Republic of Costa Rica to the diplomatic agents and Consuls of the most favored nation.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costa Rica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year to wind up their accounts and dispose of their property; and a safe-conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property, as long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered nor detained.

ARTICLE XII

The citizens of the United States and the citizens of the Republic of Costa Rica, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of the exchange of the ratifications of the present

treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV., V. and VI., of the present treaty; and that, at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington or at San José de Costa Rica, within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington this tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] DAN'L WEBSTER.
[SEAL.] F. MOLINA.

1860.

CLAIMS CONVENTION.

Concluded July 2, 1860; ratification advised by the Senate January 16, 1861; ratified by the President November 7, 1861; time for exchange of ratifications extended by the Senate March 12, 1861; ratifications exchanged November 9, 1861; proclaimed November 11, 1861

ARTICLES.

I. Claims; commission.
II. Meeting of commission.
III. Procedure; award.
IV. Payment of indemnity.
V. Duration of commission.
VI. Decision.
VII. Cases pending termination of commission.
VIII. Expenses.
IX. Ratification.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States against Costa Rica in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention; and, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States, on Alexander Dimitry, Minister Resident of said United States in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica, on Manuel José Carazo and Francisco Maria Yglesias; who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising from injuries to their persons, or damages to their property, under any form whatsoever, through

the action of authorities of the Republic of Costa Rica, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State at Washington, or to the diplomatic agents of said United States at San José, of Costa Rica, up to the date of the signature of this Convention, shall, together with the documents in proof, on which they may be founded, be referred to a Board of Commissioners, consisting of two members, who shall be appointed in the following manner: one by the Government of the United States of America, and one by the Government of the Republic of Costa Rica: *Provided*, *however*, That no claim of any citizen of the United States, who may be proved to have been a belligerent during the occupation of Nicaragua by the troops of Costa Rica, or the exercise of authority, by the latter, within the territory of the former, shall be considered as one proper for the action of the Board of Commissioners herein provided for.

In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner's omitting or ceasing to act, the Government of the United States of America, or that of the Republic of Costa Rica, respectively, or the minister of the latter, in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

Article II.

The Commissioners so named shall meet at the city of Washington, within ninety days from the exchange of the ratifications of this convention; and, before proceeding to business, they shall, each of them, exhibit a solemn oath, made and subscribed before a competent authority, that they will carefully examine into, and impartially decide, according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before them, under the provisions of this Convention, by the Government of the United States, and in accordance with such evidence as shall be submitted to them on the part of said United States and of the Republic of Costa Rica, respectively. And their oath, to such effect, shall be entered upon the record of their proceedings.

Said Commissioners shall then proceed to name an Arbitrator, or Umpire, to decide upon any case or cases concerning which they may disagree, or upon any point or points of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the Arbitrator or Umpire shall be appointed by the minister of His Majesty the King of the Belgians, to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

Article III.

The Arbitrator, or Umpire, being appointed, the Commissioners shall, without delay, proceed to examine and determine the claims which may be presented to them, under the provisions of this Convention, by the Government of the United States, as stated in the preceding article; and they shall hear, if required, one person in behalf of each Government, on every separate claim.

Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as may be deemed important to the just determination of any claims of citizens of the United States, referred to the board, under the provisions of the first article.

In cases, whether touching injuries to the person, limb or life of any said citizens, or damages committed, as stipulated in the first article, against their property, in which the Commissioners may agree to award an indemnity, they shall determine the amount to be paid. In cases in which said Commissioners cannot agree, the points of difference shall be referred to the Arbitrator, or Umpire, before whom each of the Commissioners may be heard, and his decision shall be final.

Article IV.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves, or of those made by them, in pursuance of decisions of the Arbitrator, or Umpire; and the aggregate amount of said sums, decreed by the certificates of award made by the Commissioners, in either manner above indicated, and of the sums also accruing from such certificates of award as the Arbitrator, or Umpire, may, under the authority hereinafter conferred by the seventh article, have made and issued, with the rate of interest stipulated in the present article, in favor of any claimant or claimants, shall be paid to the Government of the United States, in the city of Washington, in equal semi-annual instalments. It is, however, hereby agreed, by the contracting parties, that the payment of the first instalment shall be made eight months from the termination of the labors of the commission; and, after such first payment, the second, and each succeeding one, shall be made semi-annually, counting from the date of the first payment; and the whole payment of such aggregate amount or amounts, shall be perfected within the term of ten years from the termination of said commission; and each of said sums shall bear interest (also payable semiannually) at the rate of six per cent. per annum, from the day on which the awards, respectively, will have been decreed.

To meet these payments, the Government of the Republic of Costa Rica hereby specially appropriates fifty per cent. of the net proceeds of the revenues arising from the customs of the said Republic; but if such appropriation should prove insufficient to make the payments as above stipulated, the Government of said Republic binds itself to provide other means for that purpose.

Article V.

The Commission herein provided shall terminate its labors in nine months from and including the day of its organization. They shall keep an accurate record of all their proceedings, and they may appoint a secretary, versed in the knowledge of the English and of the Spanish languages, to assist in the transaction of their business. And, for the conduct of such business, they are hereby authorized to make all necessary and lawful rules.

ARTICLE VI.

The proceedings of this Commission shall be final and conclusive with respect to all the claims of citizens of the United States, which, having accrued prior to the date of this convention, may be brought before it for adjustment; and the United States agree forever to release the Government of the Republic of Costa Rica from any further accountability for claims which shall be rejected, either by the board of Commissioners, or by the Arbitrator or Umpire aforesaid; or for such as, being allowed by either the Board or the Umpire, the Government of Costa Rica shall have provided for and satisfied in the manner agreed upon in the fourth article.

ARTICLE VII.

In the event, however, that upon the termination of the labors of said Commission stipulated for in the fifth article of this convention, any case or cases should be pending before the Umpire, and awaiting his decision, it is hereby understood and agreed by the two contracting parties that, though the Board of Commissioners may, by such limitation, have terminated their action, said Umpire is hereby authorized and empowered to proceed to make his decision or award in such case or cases pending as aforesaid; and, upon his certificate thereof, in such case, transmitted to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, together with the rate of interest specified by the fourth article, such decision or award shall be taken and held to be binding and conclusive, and it shall work the same effect as though it had been made by both the Commissioners under their own agreement, or by them upon decision of the case or of the cases, respectively, pronounced by the Umpire of said board, during the period prescribed for its sessions: *Provided*, *however*, That a decision on every case that may be pending at the termination of the labors of the board shall be given by the Umpire within sixty days from their final adjournment; and that, at the expiration of the said sixty days, the authority and power hereby granted to said Umpire shall cease.

ARTICLE VIII.

Each Government shall pay its own Commissioner; but the Umpire, as well as the incidental expenses of the commission, including the defrayal of the services of a secretary, who may be appointed under the fifth article, shall be paid one-half by the United States, and the other half by the Republic of Costa Rica.

ARTICLE IX.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States; and by the President of the Republic of Costa Rica, with the consent and approbation of the Supreme Legislative Power of said Republic; and the ratifications shall be exchanged in the city of Washington, within the space of eight months from the date of the signature hereof, or sooner if possible.

In faith whereof, and by virtue of our respective powers, we, the undersigned, have signed the present convention, in duplicate, and have hereunto affixed our seals.

Done at the city of San José, on the second day of July, in the year one thousand eight hundred and sixty, and in the eighty-fourth year of the independence of the United States of America, and of the independence of Costa Rica the thirty-ninth.

[SEAL.] ALEX'R DIMITRY.
[SEAL.] MANUEL J. CARAZO.
[SEAL.] FRAN'CO M. YGLESIAS.

The commission provided for under the foregoing convention met at Washington February 8, 1862, adjourned November 6, 1862, and awarded $25,704.14 against Costa Rica.

1899.

COPYRIGHT PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the Republic of Costa Rica the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, William McKinley, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of Costa Rica.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this nineteenth day of October, one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:
JOHN HAY,
Secretary of State.

1900.

Protocol for the Construction of an Interoceanic Canal.

Concluded December 1, 1900.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte on the Caribbean Sea, via Lake Nicaragua to Brito on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the Plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof, the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this first day of December, 1900.

John Hay [seal.]
J. B. Calvo. [seal.]

1909

Arbitration Convention

Signed at Washington, January 13, 1909; ratification advised by the Senate, January 20, 1909; ratified by the President, March 1, 1909; ratifications exchanged at Washington, July 20, 1909; proclaimed, July 21, 1909.

Articles

I. Differences to be submitted
II. Special agreement
III. Duration
IV. Ratification

The Government of the United States of America, signatory of The Hague Convention for the Pacific Settlement of International Disputes, concluded at The Hague on July 29, 1899, and the Government of the Republic of Costa Rica, being desirous of referring to arbitration all questions which they shall consider possible to submit to such treatment;

Taking into consideration that by Article XXVI of the said Convention the jurisdiction of the Permanent Court of Arbitration

established at The Hague by that Convention may, within the conditions laid down in the regulations, be extended to disputes between signatory powers and nonsignatory powers, if the Parties are agreed on recourse to that Tribunal;

Have authorized the undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be refered to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, for the pacific settlement of international disputes, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Costa Rica shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years, and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Costa Rica in accordance with the Constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 13th day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT [SEAL]
J. B. CALVO [SEAL]

CUBA.

1902.

Commercial Convention.[a]–[b]

Concluded December 11, 1902; ratification advised by Senate March 19, 1903; ratified by President March 30, 1903; ratifications exchanged March 31, 1903; proclaimed December 17, 1903.

Articles.

I. Articles on free list.
II. Articles of Cuba admitted at reduction of 20 per cent.
III. Articles of United States admitted at reduction of 20 per cent.
IV. Articles of United States admitted at reductions of 25, 30, and 40 per cent, respectively.
V. Regulations to protect revenue.
VI. Tobacco.
VII. Similar articles.
VIII. Rates of duty to continue preferential.
IX. National or local taxes.
X. Changes of tariff; revision of treaty.
XI. Ratification; duration.

The President of the United States of America and the President of the Republic of Cuba, animated by the desire to strengthen the bonds of friendship between the two countries, and to facilitate their commercial intercourse by improving the conditions of trade between them, have resolved to enter into a convention for that purpose, and have appointed their respective Plenipotentiaries, to-wit:—

The President of the United States of America, the Honorable General Tasker H. Bliss;

The President of the Republic of Cuba, the Honorable Carlos de Zaldo y Beurmann, Secretary of State and Justice, and the Honorable José M. Garcia y Montes, Secretary of the Treasury;

who, after an exchange of their full powers found to be in good and due form, have, in consideration of and in compensation for the respective concessions and engagements made by each to the other as hereinafter recited, agreed and do hereby agree upon the following Articles for the regulation and government of their reciprocal trade, namely:—

Article I.

During the term of this convention, all articles of merchandise being the product of the soil or industry of the United States which are now imported into the Republic of Cuba free of duty, and all articles of merchandise being the product of the soil or industry of the Republic of Cuba which are now imported into the United States free of duty, shall continue to be so admitted by the respective countries free of duty.

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[a] By act approved December 17, 1903, Congress gave its approval to this convention.

[b] U. S. *v.* American Sugar Refining Company (202 U. S., 563); Sugar Refining Co. *v.* U. S. (144 Fed. Rep., 563); M. J. Dalton Co. *v.* United States (151 Fed. Rep., 143); Faber *v.* United States (157 Fed. Rep., 140).

ARTICLE II.

During the term of this convention, all articles of merchandise not included in the foregoing Article I and being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of twenty percentum of the rates of duty thereon as provided by the Tariff Act of the United States approved July 24, 1897, or as may be provided by any tariff law of the United States subsequently enacted.

ARTICLE III.

During the term of this convention, all articles of merchandise not included in the foregoing Article I and not hereinafter enumerated, being the product of the soil or industry of the United States, imported into the Republic of Cuba shall be admitted at a reduction of twenty per centum of the rates of duty thereon as now provided or as may hereafter be provided in the Customs Tariff of said Republic of Cuba.

ARTICLE IV.

During the term of this convention, the following articles of merchandise as enumerated and described in the existing Customs Tariff of the Republic of Cuba, being the product of the soil or industry of the United States imported into Cuba shall be admitted at the following respective reductions of the rates of duty thereon as now provided or as may hereafter be provided in the Customs Tariff of the Republic of Cuba:—

Schedule A.

To be admitted at a reduction of twenty five (25) per centum:

Machinery and apparatus of copper or its alloys or machines and apparatus in which copper or its alloys enter as the component of chief value; cast iron, wrought iron and steel, and manufactures thereof; of crystal and glass, except window glass; ships and water borne vessels of all kinds, of iron or steel; whiskies and brandies, fish, salted, pickled, smoked or marinated; fish or shellfish, preserved in oil or otherwise in tins; articles of pottery or earthenware now classified under Paragraphs 21 and 22 of the Customs Tariff of the Republic of Cuba.

Schedule B.

To be admitted at a reduction of thirty (30) percentum:

Butter; flour of wheat; corn; flour of corn or corn meal; chemical and pharmaceutical products and simple drugs; malt liquors in bottles; non-alcoholic beverages; cider; mineral waters, colors and dyes; window glass; complete or partly made up articles of hemp, flax, pita, jute, henequen, ramie, and other vegetable fibers now classified under the paragraphs of Group 2, Class V, of the Customs Tariff of the Republic of Cuba; musical instruments; writing and printing paper, except for newspapers; cotton and manufactures thereof, except knitted goods (see Schedule C); all articles of cutlery; boots, shoes and slippers, now classified under Paragraphs 197 and 198 of

the Customs Tariff of the Republic of Cuba; gold and silver plated ware; drawings, photographs, engravings, lithographs, cromolithographs, oleographs, etc., printed from stone, zinc, aluminium, or other material, used as labels, flaps, bands and wrappers for tobacco or other purposes, and all the other papers (except paper for cigarettes, and excepting maps and charts), pasteboard and manufactures thereof, now classified under Paragraphs 157 to 164 inclusive of the Customs Tariff of the Republic of Cuba; common or ordinary soaps, now classified under Paragraph 105, letters "A" and "B", of the Customs Tariff of the Republic of Cuba; vegetables, pickled or preserved in any manner; all wines, except those now classified under Paragraph 279 (a) of the Customs Tariff of the Republic of Cuba.

Schedule C.

To be admitted at a reduction of forty (40) per centum:

Manufactures of cotton, knitted, and all manufactures of cotton not included in the preceding schedules; cheese; fruits, preserved; paper pulp; perfumery and essences; articles of pottery and earthenware now classified under Paragraph 20 of the Customs Tariff of the Republic of Cuba; porcelain; soaps, other than common, now classified under Paragraph 105 of the Customs Tariff of the Republic of Cuba; umbrellas and parasols; dextrine and glucose; watches; wool and manufactures thereof; silk and manufactures thereof; rice; cattle.

ARTICLE V.

It is understood and agreed that the laws and regulations adopted, or that may be adopted, by the United States and by the Republic of Cuba, to protect their revenues and prevent fraud in the declarations and proofs that the articles of merchandise to which this convention may apply are the product or manufacture of the United States and the Republic of Cuba, respectively, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by either of the two countries for issuing shipping documents, which fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever.

ARTICLE VI.

It is agreed that the tobacco, in any form, of the United States or of any of its insular possessions, shall not enjoy the benefit of any concession or rebate of duty when imported into the Republic of Cuba.

ARTICLE VII.

It is agreed that similar articles of both countries shall receive equal treatment on their importation into the ports of the United States and of the Republic of Cuba, respectively.

ARTICLE VIII.

The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of this con-

vention preferential in respect to all like imports from other countries, and, in return for said preferential rates of duty granted to the Republic of Cuba by the United States, it is agreed that the concession herein granted on the part of the said Republic of Cuba to the products of the United States shall likewise be, and shall continue, during the term of this convention, preferential in respect to all like imports from other countries. Provided, That while this convention is in force, no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum of the rates of duty thereon as provided by the tariff act of the United States approved July 24, 1897, and no sugar, the product of any other foreign country, shall be admitted by treaty or convention into the United States, while this convention is in force, at a lower rate of duty than that provided by the tariff act of the United States approved July 24, 1897.

ARTICLE IX.

In order to maintain the mutual advantages granted in the present convention by the United States to the Republic of Cuba and by the Republic of Cuba to the United States, it is understood and agreed that any tax or charge that may be imposed by the national or local authorities of either of the two countries upon the articles of merchandise embraced in the provisions of this convention, subsequent to importation and prior to their entering into consumption in the respective countries, shall be imposed and collected without discrimination upon like articles whencesoever imported.

ARTICLE X.

It is hereby understood and agreed that in case of changes in the tariff of either country which deprive the other of the advantage which is represented by the percentages herein agreed upon, on the actual rates of the tariffs now in force, the country so deprived of this protection reserves the right to terminate its obligations under this convention after six months' notice to the other of its intention to arrest the operations thereof.

And it is further understood and agreed that if, at any time during the term of this convention, after the expiration of the first year, the protection herein granted to the products and manufactures of the United States on the basis of the actual rates of the tariff of the Republic of Cuba now in force, should appear to the government of the said Republic to be excessive in view of a new tariff law that may be adopted by it after this convention becomes operative, then the said Republic of Cuba may reopen negotiations with a view to securing such modifications as may appear proper to both contracting parties.

ARTICLE XI.

The present convention shall be ratified by the appropriate authorities of the respective countries, and the ratifications shall be exchanged at Washington, District of Columbia, United States of

America, as soon as may be before the thirty-first day of January, 1903, and the convention shall go into effect on the tenth day after the exchange of ratifications, and shall continue in force for the term of five (5) years from date of going into effect, and from year to year thereafter until the expiration of one year from the day when either of the contracting parties shall give notice to the other of its intention to terminate the same.

This convention shall not take effect until the same shall have been approved by the Congress.

In witness whereof we, the respective Plenipotentiaries, have signed the same in duplicate, in English and Spanish, and have affixed our respective seals, at Havana, Cuba, this eleventh day of December, in the year one thousand nine hundred and two.

TASKER H. BLISS [SEAL.]
CARLOS DE ZALDO [SEAL.]
JOSÉ M. GARCIA MONTES [SEAL.]

1903.

SUPPLEMENTARY COMMERCIAL CONVENTION.

Concluded January 26, 1903; ratification advised by the senate February 16, 1903; ratified by the President March 30, 1903; ratifications exchanged March 31, 1903; proclaimed December 17, 1903.

The President of the United States of America and the President of the Republic of Cuba considering it expedient to prolong the period within which, by Article XI of the Commercial Convention, signed by their respective plenipotentiaries at Habana on December 11, 1902, the exchange of ratifications of the said convention shall take place, have for that purpose appointed their respective plenipotentiaries, namely:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated each to the other their respective full powers, which were found to be in good and due form have agreed upon the following additional and amendatory article to be taken as a part of said Convention:

SOLE ARTICLE.

The respective ratifications of the said Convention shall be exchanged as soon as possible, and within two months from January 31, 1903.

Done in duplicate at Washington this twenty-sixth day of January A. D. 1903.

JOHN HAY [SEAL]
GONZALO DE QUESADA [SEAL]

1903.

Agreement for the Lease to the United States of Lands in Cuba for Coaling and Naval Stations.

Signed by the President of Cuba February 16, 1903, and by the President of the United States February 23, 1903.

Articles.

I. Lease of land.
II. Waters.
III. Jurisdiction.

AGREEMENT

Between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations.

The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the Act of Congress approved March second, 1901, and of Article VII of the Appendix to the Constitution of the Republic of Cuba promulgated on the 20th of May, 1902, which provide:

"Article VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States."

have reached an agreement to that end, as follows:

Article I.

The Republic of Cuba hereby leases to the United States, for the time required for the purposes of coaling and naval stations, the following described areas of land and water situated in the Island of Cuba:

1st. In Guantanamo (see Hydrographic Office Chart 1857).

From a point on the south coast, 4.37 nautical miles to the eastward of Windward Point Light House, a line running north (true) a distance of 4.25 nautical miles;

From the northern extremity of this line, a line running west (true), a distance of 5.87 nautical miles;

From the western extremity of this last line, a line running southwest (true), 3.31 nautical miles;

From the southwestern extremity of this last line, a line running south (true), to the seacoast.

This lease shall be subject to all the conditions named in Article II of this agreement.

2nd. In Northwestern Cuba (see Hydrographic Office Chart 2036).

In Bahia Honda (see Hydrographic Office Chart 520b).

All that land included in the peninsula containing Cerro del Morrillo and Punta del Carenero situated to the westward of a line running south (true) from the north coast at a distance of thirteen hundred yards east (true) from the crest of Cerro del Morrillo, and all the adjacent waters touching upon the coast line of the above described peninsula and including the estuary south of Punta del Carenero with the control of the headwaters as necessary for sanitary and other purposes.

And in addition all that piece of land and its adjacent waters on the western side of the entrance to Bahia Honda included between the shore line and a line running north and south (true) to low water marks through a point which is west (true) distant one nautical mile from Pta. del Cayman.

ARTICLE II.

The grant of the foregoing Article shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

Vessels engaged in the Cuban trade shall have free passage through the waters included within this grant.

ARTICLE III.

While on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two Governments) for the public purposes of the United States any land or other property therein by purchase or by exercise of eminent domain with full compensation to the owners thereof.

Done in duplicate at Habana, and signed by the President of the Republic of Cuba this sixteenth day of February, 1903.

[SEAL] T. ESTRADA PALMA.

Signed by the President of the United States the twenty third of February, 1903.

[SEAL] THEODORE ROOSEVELT

1903.

Lease to the United States by Cuba of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda.

Signed July 2, 1903; approved by the President October 2, 1903; ratified by the President of Cuba August 17, 1903; ratifications exchanged October 6, 1903.

Articles.

I. Rental; acquirement of land; payment.
II. Survey.
III. Occupation.
IV. Fugitives.
V. Duties, etc.
VI. Jurisdiction.
VII. Ratification.

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda the Republic of Cuba made to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.—

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana,

And the President of the Republic of Cuba, José M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles;—

Article I.

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said Agreement.

All private lands and other real property within said areas shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

Article II.

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

Article III.

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

ARTICLE IV.

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities.

On the other hand the Republic of Cuba agrees that fugitives from justice charged with crimes or misdemeanors amenable to United States law, committed within said areas, taking refuge in Cuban territory, shall on demand, be delivered up to duly authorized United States authorities.

ARTICLE V.

Materials of all kinds, merchandise, stores and munitions of war imported into said areas for exclusive use and consumption therein, shall not be subject to payment of customs duties nor any other fees or charges and the vessels which may carry same shall not be subject to payment of port, tonnage, anchorage or other fees, except in case said vessels shall be discharged without the limits of said areas; and said vessels shall not be discharged without the limits of said areas otherwise than through a regular port of entry of the Republic of Cuba when both cargo and vessel shall be subject to all Cuban Customs laws and regulations and payment of corresponding duties and fees.

It is further agreed that such materials, merchandise, stores and munitions of war shall not be transported from said areas into Cuban Territory.

ARTICLE VI.

Except as provided in the preceding Article vessels entering into or departing from the Bays of Guantanamo and Bahia Honda within the limits of Cuban territory shall be subject exclusively to Cuban laws and authorities and orders emanating from the latter in all that respects port police, Customs or Health, and authorities of the United States shall place no obstacle in the way of entrance and departure of said vessels except in case of a state of war.

ARTICLE VII.

This lease shall be ratified and the ratifications shall be exchanged in the City of Washington within seven months from this date.

In witness whereof, We, the respective Plenipotentiaries, have signed this lease and hereunto affixed our Seals.

Done at Havana, in duplicate in English and Spanish this second day of July nineteen hundred and three.

[SEAL.] H. G. SQUIERS.

[SEAL.] JOSÉ M. GARCÍA MONTES.

1903.[a]

Relations with Cuba.

Concluded May 22, 1903; ratification advised by Senate March 22, 1904; ratified by the President June 25, 1904; ratifications exchanged July 1, 1904. Proclaimed July 2, 1904.

Articles.

I. Treaties with foreign powers.
II. Public debts.
III. Intervention to maintain independence.
IV. Acts during military occupation.
V. Sanitation of cities.
VI. Island of Pines.
VII. Coaling stations.
VIII. Ratification.

Whereas the Congress of the United States of America, by an Act approved March 2, 1901, provided as follows:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April twentieth, eighteen hundred and ninety-eight, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

"I. That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island."

"II. That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate."

"III. That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba."

"IV. That all Acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected."

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[a] O'Reilly de Camara *v.* Brooke (209 U. S., 45); American Sugar Refining Co. *v.* United States (136 Fed. Rep., 508).

"V. That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein."

"VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty."

"VII. That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States.

"VIII. That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

Whereas the Constitutional Convention of Cuba, on June twelfth, 1901, adopted a Resolution adding to the Constitution of the Republic of Cuba which was adopted on the twenty-first of February 1901, an appendix in the words and letters of the eight enumerated articles of the above cited act of the Congress of the United States;

And whereas, by the establishment of the independent and sovereign government of the Republic of Cuba, under the constitution promulgated on the 20th of May, 1902, which embraced the foregoing conditions, and by the withdrawal of the Government of the United States as an intervening power, on the same date, it becomes necessary to embody the above cited provisions in a permanent treaty between the United States of America and the Republic of Cuba;

The United States of America and the Republic of Cuba, being desirous to carry out the foregoing conditions, have for that purpose appointed as their plenipotentiaries to conclude a treaty to that end,

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary at Havana,

And the President of the Republic of Cuba, Carlos de Zaldo y Beurmann, Secretary of State and Justice,—who after communicating to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.

ARTICLE II.

The Government of Cuba shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-

fund provision for the ultimate discharge of which, the ordinary revenues of the Island of Cuba, after defraying the current expenses of the Government, shall be inadequate.

ARTICLE III.

The Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

ARTICLE IV.

All acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

ARTICLE V.

The Government of Cuba will execute, and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

ARTICLE VI.

The Island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title thereto being left to future adjustment by treaty.

ARTICLE VII.

To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States.

ARTICLE VIII.

The present Convention shall be ratified by each party in conformity with the respective Constitutions of the two countries, and the ratifications shall be exchanged in the City of Washington within eight months from this date.

In witness whereof, we the respective Plenipotentiaries, have signed the same in duplicate, in English and Spanish, and have affixed our respective seals at Havana, Cuba, this twenty-second day of May, in the year nineteen hundred and three.

H. G. SQUIERS. [SEAL.]
CARLOS DE ZALDO. [SEAL.]

1903.

Copyright.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights", that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement";

And Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require";

And Whereas satisfactory official assurances have been given that in Cuba the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of Cuba:

Now, Therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of Cuba.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 17th day of November one thousand nine hundred and three and of the independence of the United States the one hundred and twenty-eighth.

[seal.]

Theodore Roosevelt

By the President:

John Hay
Secretary of State.

1904.

Relations with Cuba (Supplementary).

Signed January 20, 1904; ratification advised by Senate January 27, 1904; ratified by the President June 25, 1904; ratifications exchanged July 1, 1904; proclaimed July 2, 1904.

The United States of America and the Republic of Cuba, considering it expedient to prolong the period within which, by Article VIII of the treaty signed by their respective plenipotentiaries on May 22, 1903, embodying the provisions defining the future relations of the

United States with Cuba, contained in the act of Congress of the United States approved March 2, 1901, the exchange of ratifications of the said treaty shall take place, have for that purpose appointed their respective Plenipotentiaries, namely:

The President of the United States of America, John Hay, Secretary of State of the United States; and

The President of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Washington:, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following additional article to be taken as part of said treaty.

Sole Article.

The respective ratifications of the said treaty shall be exchanged as soon as possible and within six months from January 21, 1904.

Done in duplicate at Washington in the English and Spanish languages, this 20th day of January A. D. 1904.

John Hay [SEAL]
Gonzalo de Quesada [SEAL]

1904.

Extradition Treaty.

Concluded April 6, 1904; ratification advised by the senate April 26, 1904; ratified by the President January 24, 1905; ratifications exchanged January 31, 1905; proclaimed February 8, 1905.

Articles.

I. Persons to be delivered.
II. Extraditable crimes.
III. Requisition; procedure.
IV. Arrest on telegraph.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Offense for which to be tried.
IX. Articles in possession of accused.
X. Persons claimed by other countries.
XI. Expenses.
XII. Ratifications; duration.

The United States of America and the Republic of Cuba, being desirous to confirm their friendly relations and cooperate to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Cuba, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the Republic of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Cuba to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following:

Article I.

The Government of the United States of America and the Government of the Republic of Cuba mutually agree to deliver up persons who, having been charged as principals, accomplices or accessories with or convicted of any crimes or offenses specified in the following article, and committed within the jurisdiction of one of the high contracting parties, shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending the offenses expressed in the Penal Code of Cuba as assassination, parricide, infanticide and poisoning; manslaughter, when voluntary; the attempt to commit any of these crimes.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money, goods, documents, or other property, by violence or putting him in fear; burglary; housebreaking and shopbreaking.

4. Forgery, or the utterance of forged papers, or falsification of the official acts or documents of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

5. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank-notes, or other instruments of public credit; of counterfeit seals, stamps, dies and marks of state or public administration, and the utterance, circulation or fraudulent use of any of the above mentioned objects.

6. Embezzlement by public officers or depositaries; embezzlement by persons hired or salaried to the detriment of their employers; obtaining money, valuable securities or other personal property by false devices, when such act is made criminal by the laws of both countries and the amount of money or value of the property so obtained is not less than two hundred dollars in gold.

7. Fraud or breach of trust (or the corresponding crime expressed in the Penal Code of Cuba as defraudation) by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars in gold.

8. Perjury; subornation of perjury.

9. Bribery; defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

10. Rape, bigamy.

11. Wilful and unlawful destruction or obstruction of railroads, trains, bridges, vehicles, vessels or other means of transportation or public or private buildings, when the act committed endangers human life.

12. Crimes committed at sea, to wit:

(a) Piracy, by statute or by the law of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

13. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

14. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or their families, or for any other unlawful end.

15. Larceny, defined to be the theft of money, effects, documents, horses, cattle, live-stock or any other movable property of the value of more than fifty dollars.

16. Obtaining by threats of doing injury, money, valuables or other personal property.

17. Mayhem and other wilful mutilation causing disability or death.

Extradition is to take place for participation in any of the crimes and offenses mentioned in this treaty not only as principal or accomplices, but as accessories in any of the crimes or offenses mentioned in the present article, provided such participation may be punished, in the United States as a felony and in the Republic of Cuba by imprisonment, hard labor or capital punishment.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with a crime or offense, a duly authenticated copy of the warrant of arrest in the country where the crime or offense has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced. In both cases whenever possible all facts and data necessary to establish the identity of the person whose extradition is sought shall also be presented.

The extradition of the fugitives under the provisions of this treaty shall be carried out in the United States and in the Republic of Cuba, respectively, in conformity with the laws regulating extradition for the time being in force in the State in which the demand for the surrender is made.

ARTICLE IV.

Where the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proof, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Government of Cuba before a judge or magistrate authorized to issue warrants of arrest in extradition cases.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Republic of Cuba, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender accompanied by the necessary evidence of his guilt has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of the Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if it is proved that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

An attempt against the life of the head of a foreign government or against that of any member of his family when such attempt comprises the act either of murder, assassination, or poisoning, shall not be considered a political offense or an act connected with such an offense.

No person surrendered by either of the contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, unless the said person shall have been at liberty to leave the country for a month after having been tried, and in case of conviction, a month after having served sentence or being pardoned.

ARTICLE IX.

All articles found in the possession of the person to be surrendered, whether being proceeds of the crime or offense, or being material as evidence in making proof of the crime or offense, shall, so far as practicable, and in conformity with the laws of the respective countries, be seized and surrendered with his person. Nevertheless the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received, unless the government from which extradition is sought is bound by treaty to give preference to another.

If the said individual shall be indicted or convicted in the country from which extradition is sought, his extradition may be deferred until the proceedings are abandoned, the individual set at liberty or discharged or has served his sentence.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications.

The ratifications of the present treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of

six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles both in the English and Spanish languages, and hereunto affixed their seals.

Done in duplicate, at the City of Washington this sixth day of April, nineteen hundred and four.

JOHN HAY [SEAL]
GONZALO DE QUESADA [SEAL]

1904.

PROTOCOL AMENDING SPANISH TEXT OF CUBAN EXTRADITION TREATY SIGNED APRIL 6, 1904.

Signed at Washington, December 6, 1904; ratification advised by the Senate, December 15, 1904; ratified by the President, January 24, 1905; ratifications exchanged at Washington, January 31, 1905; proclaimed, February 8, 1905.

PROTOCOL.

The undersigned, the Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of Cuba, being duly authorized, have agreed to modify the Spanish text of sections 1, 3, 5, 6, 7, 14 and 16 of the Article II of the Treaty of Extradition signed on the 6th of April, 1904, by substituting them by the following, in conformity with the amendments which were adopted by the Senate of the Republic of Cuba, with a view to making the said Spanish text correspond more closely with the English text, and to a more exact definition of the crimes and offenses therein specified, in the technical terms of the Cuban law.

ARTÍCULO II.

1. Homicidio, incluso los delitos designados en el Código Penal de Cuba con los nombres de asesinato, parricidio, infanticidio y envenenamiento, homicidio voluntario; el delito frustrado ó la tentativa de cual quiera de ellos.

3. Robo, entendiéndose por tal la sustracción de dinero, mercancias, documentos ú otra propiedad ajenos, empleando para ello fuerza, violencia ó intimidación; y el acto de asaltar la casa de otro de noche con escalamiento ó fractura y con la intención de cometer un delito; robo en casa habitada y robo en establecimiento comercial ó industrial.

5. La fabricación de moneda falsa, bien sea ésta metálica ó en papel, títulos ó cupones falsos de la Déuda Pública, billetes de Banco ú otros instrumentos de crédito público, de sellos, de timbres, cuños y marcas falsas de Administraciones, del Estado ó Públicas y la expendición, circulación ó uso fraudulento de cualquiera de los objetos mencionados.

6. Malversación de fondos públicos cometida por empleados públicos ó depositarios, defraudación realizada por personas á sueldo ó salario en perjuicio de aquel que lo tiene á su servicio, obtener dinero,

valores ú otros bienes muebles por maquinaciones ó artificios cuando estos delitos estén penados por las leyes de ambos paises y el valor de lo obtenido no sea menor de doscientos pesos en oro.

7. Fraude ó defraudación (ó el delito correspondiente definido en el Código Penal de Cuba como de fraudación), por un depositario, banquero, agente, factor ú otra persona que administre bienes ó que proceda por encargo de otra ó director ó miembro ó funcionario de una compañia, cuando las leyes de ambos paises declaren punible dicho acto y el valor de lo defraudado no sea menor de doscientos pesos.

14. Rapto, secuestro de menores ó adultos, entendiéndose por tal el hecho de apoderarse de una ó más personas, ó de detenerlas para exigir de ellas ó de sus familias dinero por su rescate, ó para cualquier otro fin ilícito.

16. Obtener por medio de amenzas de hacer daño, dinero, valores ú otra propiedad mueble.

The present Protocol shall be submitted for approval to the Senate of the United States of America.

Done at the City of Washington this 6th day of December, in the year 1904.

JOHN HAY [SEAL]
GONZALO DE QUESADA [SEAL]

DENMARK.

1826.

Convention of Friendship, Commerce and Navigation.[a–b]

Concluded April 26, 1826; ratification advised by the Senate May 4, 1826; ratified by the President May 6, 1826; ratifications exchanged August 10, 1826; proclaimed October 14, 1826.

Articles.

I. Most favored nation clause.
II. Freedom of trade.
III. Equality as to shipping.
IV. Import and export duties.
V. Sound and belts dues.
VI. Trade with Danish colonies.
VII. Property rights.
VIII. Consular officers.
IX. Consular privileges.
X. Consular exemptions.
XI. Duration.
XII. Ratification.

The United States of America and His Majesty the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce and navigation. With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Denmark has conferred like powers on Peter Pedersen, his Privy Counsellor of Legation and Minister Resident near the said States, Knight of the Dannebrog; who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles:

Article I.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

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[a] This convention was abrogated by notice April 15, 1856, and renewed by the convention of April 11, 1857, except Article V. See Convention of July 11, 1861, p. 383.

[b] Federal cases: Bartram *v.* Robertson (122 U. S., 116), Thingvalla Line *v.* U. S. (24 Ct. Cls., 255).

ARTICLE II.

The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE III.

They likewise agree that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark in the vessels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed in the ports of one party, on vessels of the other, than are or shall be payable in the same ports by native vessels.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of His Majesty the King of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two

countries on the exportation of any articles to the United States, or to the dominions of His Majesty the King of Denmark, respectively, than such as are or may be payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of His Majesty the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

ARTICLE V.

Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favoured nation.

ARTICLE VI.

The present convention shall not apply to the northern possessions of His Majesty the King of Denmark—that is to say, Iceland, the Ferroé Islands, and Greenland—nor to places situated beyond the Cape of Good Hope; the right to regulate the direct intercourse with which possessions and places is reserved by the parties, respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of His Danish Majesty, but in the intercourse with those colonies it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may in like manner, and with the same duties and charges applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

ARTICLE VII.

The United States and His Danish Majesty mutually agree that no higher or other duties, charges or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money or effects of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money or effects, or otherwise, than are or shall be payable in each State upon the same, when removed by a citizen or subject of such State, respectively.

ARTICLE VIII.

To make more effectual the protection which the United States and His Danish Majesty shall afford in future to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges and immunities of the Consuls and Vice-Consuls of the most favoured nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE IX.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE X.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XI.

The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

ARTICLE XII.

This convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged in the city of Copenhagen within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of His Danish Majesty, have signed and sealed these presents.

Done in triplicate, at the city of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] PR. PEDERSEN.

ADDENDUM.

Mr. Clay to Mr. Pederson.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honor to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States if Mr. Pedersen had been charged with instructions, in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property in the ports of His Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the treaty of friendship, commerce, and navigation on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them until they shall be finally arranged upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the treaty in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

H. CLAY.

The Chevalier PEDERSEN,
Minister Resident from Denmark.

The Chevalier Peter Pederson to Mr. Clay.

WASHINGTON, *April 25, 1826.*

The undersigned, Minister Resident of His Majesty the King of Denmark, has the honour herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark not being waived on the part of the United States by the convention agreed upon and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

P. PEDERSON.

To the Hon. HENRY CLAY,
Secretary of State of the United States.

1830

CLAIMS CONVENTION.

Concluded March 28, 1830; ratification advised by the Senate May 29, 1830; ratified by the President June 2, 1830; ratifications exchanged June 5, 1830; proclaimed June 5, 1830.

ARTICLES.

I. Indemnity.
II. Mode of payment of indemnity.
III. Claims to be adjudicated.
IV. Release from payment of further indemnity.
V. Applicability of convention.
VI. Ratification.

The United States of America and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them in respect to the claims and preten-

sions formed by the citizens of the United States and the subjects of Denmark, having for their object the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, within the territory or under the authority of the respective Governments, have named for this purpose, and furnished with their full powers, that is to say: The President of the United States of America, by and with the advice and consent of the Senate, Henry Wheaton, Chargé d'Affaires of the said United States at the Court of His Majesty the King of Denmark, etc.; and His Majesty the King of Denmark, the Sieur Ernest Henry, Count de Schimmelmann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State, Chief of his Department of Foreign Affairs, etc., and the Sieur Paul Christian de Stemann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog, decorated with the silver cross of the same order, his Minister (intime) of State and of Justice, president of his Danish Chancery, etc.; and the said Plenipotentiaries; after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America for the subjects of Denmark, on account of the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said Government; and His Majesty engages, moreover, to pay to the said Government the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation, or confiscation of their vessels, cargoes, or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish sceptre.

ARTICLE II.

The payment of the above sum of six hundred and fifty thousand Spanish milled dollars shall be made in the times and manner following:

On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days' sight, at Hamburg; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding with the two last payments to be effected for the capital and the interest thereof, shall be issued by the Direction for the public debt and the sinking fund of Denmark, to the order of the Department of Foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations, His Majesty the King of Denmark shall acknowledge himself debtor for the sums not yet paid to the Government of the United States of America, and the same shall be delivered to such person or persons as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States to receive the stipulated payments shall deliver up the said obligations, with receipts for the amount thereof, from the said Government.

ARTICLE III.

To ascertain the full amount and validity of the claims, mentioned in Article I, a Board of Commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity and the law of nations.

The Commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness, or necessary absence of any Commissioner, his place may be supplied by the appointment of another Commissioner, in the manner before mentioned, or during the recess of the Senate, by the President of the United States. The Commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons who shall be duly authorized for that purpose by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ship's papers and prize proceedings which may still remain in the archives of the High Court of Admiralty, or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation, or confiscation of the vessels, cargoes, or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The Commissioners shall award and cause to be distributed, among the several parties whose claims shall be allowed by the board, the sum mentioned in Article I and II, in a rateable proportion to the amount of the respective claims thus allowed.

ARTICLE IV.

In consideration of the renunciation and payments mentioned in Article I. and II., on the part of His Majesty the King of Denmark, the Government of the United States declares itself entirely satisfied,

not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, which in the last maritime war of Denmark have taken place under the flag of Denmark, or in the States subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ARTICLE V.

The intention of the two high contracting parties being solely to terminate, definitely and irrevocably, all the claims which have hitherto been preferred, they expressly declare that the present convention is only applicable to the cases therein mentioned; and, having no other object, can never hereafter be invoked by one party or the other as a precedent or rule for the future.

ARTICLE VI.

The present convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this twenty-eighth day of March, 1830.

[SEAL.]	HENRY WHEATON.
[SEAL.]	E. H. SCHIMMELMANN.
[SEAL.]	STEMANN.

The Commission provided for in the foregoing treaty was duly appointed, met at Washington April 4, 1831, and held its last session March 23, 1833, determining the distribution of the indemnity paid by Denmark.

1857.

CONVENTION DISCONTINUING THE SOUND DUES.[a]

Concluded April 11, 1857; ratifications advised by the Senate January 5, 1858; ratified by the President January 7, 1858; ratifications exchanged January 12, 1858; proclaimed January 13, 1858.

ARTICLES.

I. Sound and Belts dues abolished.
II. Lights, buoys and pilots.
III. Payment by the United States.
IV. Most favored nation privileges.
V. Convention of 1826 revived.
VI. Effect.
VII. Ratification.

The United States of America and His Majesty the King of Denmark, being desirous to terminate amicably the differences which

[a] Federal cases: Bartram *v.* Robertson (122 U. S., 116), Thingvalla Line *v.* U. S. (24 Ct. Cls., 255).

have arisen between them in regard to the tolls levied by Denmark on American vessels and their cargoes passing through the Sound and Belts, and commonly called the Sound-dues, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States, Lewis Cass, Secretary of State of the United States and his Majesty the King of Denmark, Torben Bille, Esquire, Knight of the Dannebrog, and decorated with the cross of honor of the same order, his said Majesty's Chargé d'Affaires near the Government of the United States;

Who, after having communicated to each other their full powers in due form, have agreed to and signed the following articles:

Article I.

His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes, after that day, shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both Governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

Article II.

His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish Majesty agrees to make such additions and improvements in regard to the lights, buoys and pilot establishments in these waters as circumstances and the increasing trade of the Baltic may require. He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

It is understood, however, to be optional for the masters of American vessels either to employ, in the said waters, Danish pilots, at reasonable rates fixed by the Danish Government, or to navigate their vessels without such assistance.

Article III.

In consideration of the foregoing agreements and stipulations on the part of Denmark, whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever secured, the United States agree to pay to the Government of Denmark, once for all, the sum of seven hundred and seventeen thousand eight

hundred and twenty-nine rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London, on the day when the said convention shall go into full effect, as hereinafterwards provided.

ARTICLE IV.

It is further agreed that any other or further privileges, rights, or advantages which may have been, or may be, granted by Denmark to the commerce and navigation of any other nation at the Sound and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to, and enjoyed by, the citizens of the United States, and by their vessels and property in that quarter.

ARTICLE V.

The general convention of friendship, commerce and navigation, concluded between the United States and His Majesty the King of Denmark, on the 26th of April, 1826, and which was abrogated on the 15th of April, 1856, and the provisions contained in each and all of its articles, the 5th article alone excepted, shall, after the ratification of this present convention, again become binding upon the United States and Denmark; it being, however, understood, that a year's notice shall suffice for the abrogation of the stipulations of the said convention hereby renewed.

ARTICLE VI.

The present convention shall take effect as soon as the laws to carry it into operation shall be passed by the Government of the contracting parties, and the sum stipulated to be paid by the United States shall be received by or tendered to Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this convention shall be allowed.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in anticipation of the payment of the sum stipulated in Article III; it being understood, however, that in that event the Government of the United States shall also pay to that of Denmark four per cent. interest on the said sum, from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

ARTICLE VII.

The present convention shall be duly ratified, and the exchange of ratifications shall take place in Washington within ten months from the date hereof, or sooner if practicable.

In faith whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have thereunto affixed their seals.

Done at Washington this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States the eighty-first.

[SEAL.] LEWIS CASS.
[SEAL.] TORBEN BILLE.

1861.

CONSULAR CONVENTION.

Concluded July 11, 1861; ratification advised by the Senate July 17, 1861; ratified by the President August 25, 1861; ratifications exchanged September 18, 1861; proclaimed September 20, 1861.

ARTICLES.

I. Authority of consuls over shipping disputes.
II. Deserters from ships; ratification.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional aritcles to the general convention of friendship, commerce and navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquility of the country.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of

said documents duly certified by them, that such individuals form part of the crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatever. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the city of Washington on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty-one.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] W. R. RAASLOFF.

1872.

NATURALIZATION CONVENTION.

Concluded July 20, 1872; ratification advised by the Senate January 13, 1873; ratified by the President January 22, 1873; ratifications exchanged March 14, 1873; proclaimed April 15, 1873.

ARTICLES.

I. Naturalization recognized.
II. Readmission to former status.
III. Renunciation of acquired status.
IV. Duration.
V. Ratification.

The United States of America and his Majesty the King of Denmark being desirous to regulate the citizenship of the citizens of the United States of America who have emigrated, or who may emigrate, from the United States of America to the Kingdom of Denmark, and of Danish subjects who have emigrated, or who may emigrate from the Kingdom of Denmark to the United States of America,

have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say, the President of the United States of America: Michael J. Cramer, Minister Resident of the United States of America at Copenhagen; and His Majesty the King of Denmark: Otto Ditlev Baron Rosenörn-Lehn, Commander of Danebrog and Danebrogsmand, Chamberlain, His Majesty's Minister for Foreign Affairs, &c., &c., &c.; who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles, to wit:

ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the Kingdom of Denmark as Danish subjects, shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner, Danish subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

ARTICLE II.

If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, re-admit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence within the Kingdom of Denmark, His Majesty's Government may, on his application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ARTICLE III.

If, however, a citizen of the United States, naturalized in Denmark, shall renew his residence in the former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane, naturalized in the United States, shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist, when a person naturalized in the one country shall reside more than two years in the other country.

ARTICLE IV.

The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within eight months from the date hereof.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Copenhagen, the twentieth day of July, in the year of our Lord one thousand eight hundred and seventy two.

[SEAL.] MICHAEL J. CRAMER.
[SEAL.] O. D. ROSENÖRN-LEHN.

1886.

AGREEMENT FOR MUTUAL EXEMPTION OF VESSELS FROM READMEASUREMENT.

Signed at Washington, February 26, 1886.

The Government of the United States of America and the Government of His Majesty the King of Denmark having found it expedient to enter into an agreement for the mutual exemption from readmeasurement of United States and Danish vessels in the ports of their respective countries, have authorized the undersigned to sign the following declaration.

I. Danish steam and sailing vessels shall be exempted from readmeasurement in all ports of the United States, and the net register tonnage denoted in their certificate of registry and nationality shall be deemed to be equal to the net or register tonnage of vessels of the United States, provided only, that, if in any case it shall be found that a vessel has added to her carrying capacity since the issue of her register or certificate of admeasurement, the spaces or houses so added shall be admeasured and the usual fee exacted.

II. Steam and sailing vessels of the United States shall be exempted from readmeasurement in all Danish ports, and the net or register tonnage stated in their certificates of registry shall be deemed to be equal to the net register tonnage of Danish ships; provided only, that in cases in which the certificates of vessels of the United States

express the gross tonnage only, deductions of the spaces or compartments appropriated to the use of the crew of the vessel in steam and sailing vessels, and of the spaces occupied by or necessary for the propelling power in steam vessels, shall be made according to the Danish rules for admeasurement, without any expense to the vessel.

The present agreement shall take effect on the 1st of April, 1886.

Done in duplicate at Washington, D. C. this twenty-sixth day of February, 1886.

[SEAL.] T. F. BAYARD.
[SEAL.] P. LÖVENÖRN.

1888.

AGREEMENT SUBMITTING CLAIM OF CARLOS BUTTERFIELD & CO. TO ARBITRATION.

Concluded December 6, 1888; ratification advised by the Senate February 11, 1889; ratified by the President April 23, 1889; ratifications exchanged May 23, 1889; proclaimed May 24, 1889.

ARTICLES.

I. Arbitrator.
II. Evidence; arguments.
III. Expenses.
IV. Finality of award.
V. Ratification.

Whereas the Government of the United States of America has heretofore presented to the Kingdom of Denmark the claim of Carlos Butterfield and Company, of which Carlos Butterfield now deceased was the surviving partner, for an indemnity for the seizure and detention of the two vessels, the steamer Ben Franklin and the Barque Catherine Augusta, by the authorities of the Island of St. Thomas of the Danish West India Islands in the years 1894 and 1855; for the refusal of the ordinary right to land cargo for the purpose of making repairs; for the injuries resulting from a shot fired into one of the vessels; and for other wrongs:

Whereas the said Governments have not been able to arrive at a conclusive settlement thereof: and

Whereas each of the parties hereto has entire confidence in the learning, ability and impartiality of Sir Edmund Monson, Her British Majesty's Envoy Extraordinary and Minister plenipotentiary in Athens,

Now therefore the undersigned, Rasmus B. Anderson, Minister Resident of the United States of America at Copenhagen, and Baron O. D. Rosenorn-Lehn, Royal Danish Minister of Foreign Affairs, duly empowered thereto by their respective Governments have agreed upon the stipulations contained in the following Articles:

ARTICLE I.

The said claim of Carlos Butterfield and Company shall be referred to the said Sir Edmund Monson, Her British Majesty's Envoy extraordinary and Minister Plenipotentiary in Athens, as sole arbitra-

tor thereof in conformity with the conditions hereinafter expressed; to which end the High Contracting Parties agree to communicate to him in writing their common desire to commit the matter to his arbitration.

ARTICLE II.

The Arbitrator shall receive in evidence before him duly certified copies of all documents, records, affidavits or other papers heretofore filed in support of or against the claim in the proper department of the respective Governments, copies of which shall at the same time be furnished to the other Government. Each Government shall file its evidence before the arbitrator within seventy five days after its receipt of notice of his acceptance of the position conferred upon him.

Each party shall be allowed seventy-five days thereafter to file with the arbitrator a written argument. The arbitrator shall render his award within sixty days after the date at which the arguments of both parties shall have been received.

ARTICLE III.

The expenses of such arbitration, which shall include the compensation of a clerk at the rate of not more than two hundred dollars a month, should the arbitrator request such aid, shall be borne by the two Governments jointly in equal moieties.

ARTICLE IV.

The High Contracting Parties agree to accept the decision of the arbitrator as final and conclusive and to abide by and perform the same in good faith and without unnecessary delay.

ARTICLE V.

This agreement shall be ratified by each Government and the ratifications exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed and sealed the present Agreement in duplicate in the English and Danish languages.

Done at Copenhagen, this sixth day of December in the year of Our Lord one thousand eight hundred and eighty-eight.

O. D. ROSENORN LEHN [SEAL]
R. B. ANDERSON [SEAL]

Sir Edmund Monson accepted the position of arbitrator and in due course rendered his award, disallowing the claim.

1892.

Trade-Mark Convention.

Concluded June 15, 1892; ratification advised by the Senate July 21, 1892; ratified by the President July 29, 1892; ratifications exchanged September 28, 1892; proclaimed October 12, 1892.

Articles.

I. Reciprocal rights.
II. Formalities.
III. Duration.
IV. Ratification.

With a view to secure for the manufacturers in the United States of America, and those in Denmark, the reciprocal protection of their Trade Marks and Trade Labels, the Undersigned, duly authorised to that effect, have agreed on the following dispositions.

Article I.

The subjects or citizens of each of the High Contracting Parties shall in the Dominions and Possessions of the other have the same rights as belong to native subjects or citizens, in everything relating to Trade Marks and Trade Labels of every kind.

Provided, always, that in the United States the subjects of Denmark, and in Denmark, the citizens of the United States of America, cannot enjoy these rights to a greater extent or for a longer period of time than in their native country.

Article II.

Any person in either country desiring protection of his Trade Mark in the Dominions of the other must fulfil the formalities required by the law of the latter; but no person, being a subject or citizen of one of the contracting States, shall be entitled to claim protection in the other by virtue of the provisions of this convention, unless he shall have first secured protection in his own country in accordance with the laws thereof.

Article III.

This arrangement shall go into effect immediately on or after the exchange of the ratifications and shall be in force until a year after it has been recalled by the one or the other of the two High Parties.

Article IV.

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within ten months from the date hereof.

In witness whereof the Undersigned have signed the present convention and have affixed thereto the seal of their arms.

Done at Copenhagen in double expedition the 15. June 1892.

Clark E. Carr.
[seal.]
Reedtz Thott.
[seal.]

1893.

Copyright Proclamation.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the revised statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or a subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in Denmark the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the subjects of Denmark,

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Denmark.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighth day of May, one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and seventeenth.

Grover Cleveland.

By the President:
W. Q. Gresham,
Secretary of State.

1902.[a]

Extradition Treaty.

Concluded January 6, 1902; ratification advised by Senate January 30, 1902; ratified by President February 26, 1902; ratifications exchanged April 16, 1902; proclaimed April 17, 1902.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offences.
VII. Limitations.
VIII. Prior offences.
IX. Property seized with fugitive.
X. Persons claimed by other countries.
XI. Expenses.
XII. Ratification; duration.

The United States of America and his Majesty the King of Denmark, being desirous to confirm their friendly relations and to pro-

[a] See supplementary extradition treaty, page 395.

mote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States; and his Majesty the King of Denmark, Mr. Constantin Brun, Commander of the Order of Dannebroge and decorated with the Cross of Honor of the same Order, His Majesty's Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Washington; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Denmark mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugutive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Denmark as manslaughter.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary, also housebreaking or shopbreaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money whether coin or paper, or of instruments of debt created by national, state, provincial or municipal governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities, or other property, knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than $200. or Kroner 740.

7. Fraud, or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or

member or officer of any company, when such act is made criminal by the laws of the countries, and the amount of money or the value of the property misappropriated is not less than $200. or Kroner 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Malicious destruction of, or attempt to destroy, railways, trains or cars, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

11. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assault on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

13. Procuring abortion.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished in the United States as a felony, and in Denmark by imprisonment at hard labor.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Denmark respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Article IV.

When the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proofs, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Danish Government before a judge or other magistrate authorized to issue warrants of arrest in extradition cases.

In the Kingdom of Denmark the diplomatic or consular officer of the United States shall apply to the Foreign Office, which will imme-

diately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Convention, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens, born or naturalized, under the stipulations of this Convention.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such offense.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall without his consent, freely granted and publicly declared by him, be triable or tried, or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the Government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and Provided that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective plenipotentiaries have signed the above articles, both in the English and the Danish languages and have hereunto affixed their seals.

Done in duplicate, at the City of Washington, this sixth day of January nineteen hundred and two.

JOHN HAY [SEAL.]
C. BRUN. [SEAL.]

1905.

Supplementary Extradition Treaty.

Signed November 6, 1905; ratification advised by the Senate December 7, 1905; ratified by the President February 13, 1906; ratifications exchanged February 19, 1906; proclaimed February 19, 1906.

Articles.

I. Crimes committed in island possessions.
II. Bribery.
III. Ratifications.

The United States of America and His Majesty the King of Denmark, agreeing that the convention for the extradition of criminals signed by their Plenipotentiaries at Washington on January 6, 1902, is applicable to their respective island possessions or colonies, and desiring to define the procedure by which applications for the surrender of accused persons from such island possessions or colonies shall be made, and to add to the list of extraditable crimes mentioned in Article II of the said convention of January 6, 1902, by means of an additional convention, have to that end appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Majesty the King of Denmark, Mr. Constantin Brun, Commander of the Order of Dannebroge and decorated with the Cross of Honor of the same Order, His Majesty's Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following articles:

Article I.

In the case of crimes committed in the island possessions or colonies of the contracting parties, applications for the surrender of the accused may be made directly to the Governor or Chief Magistrate of the island possession or colony in which the fugitive has sought refuge, by the Governor or Chief Magistrate of the colony or island possession of the other contracting party, provided that both island possessions or colonies are situated in America. The aforesaid Governors or Chief Magistrates shall have authority either to grant the extradition or to refer the matter for decision to the Government of the mother country. In all other cases applications for extradition shall be made through the diplomatic channel.

Where a fugitive criminal is arrested in the Philippine Islands, the Hawaiian Islands, Faroe Islands, or Iceland he may be provisionally detained for a period of four months.

Article II.

In addition to the crimes and offenses mentioned in Article II of the convention between the United States of America, and the King-

dom of Denmark for the extradition of criminals, signed at Washington on January 6, 1902, extradition shall be granted also for the following crime or offense:

Bribery, defined to be the offering, giving or receiving of bribes, when made punishable by the laws of the two contracting parties.

ARTICLE III.

The present convention shall be considered as an integral part of the said extradition convention of January 6, 1902, and shall be ratified according to the respective laws of the two contracting parties. The ratifications shall be exchanged at Washington as soon as possible.

In testimony whereof, the respective plenipotentiaries have signed the above articles, both in the English and Danish languages and have hereunto affixed their seals.

Done in duplicate, at the City of Washington, this sixth day of November, nineteen hundred and five.

ELIHU ROOT [L. S.]
C. BRUN [L. S.]

1906.

AGREEMENT BY EXCHANGE OF NOTES ON JUNE 22 AND JUNE 26, 1906, WITH RESPECT TO THE PROTECTION OF INDUSTRIAL DESIGNS OR MODELS.

The Acting Secretary of State to the Danish Minister.

DEPARTMENT OF STATE,
Washington, June 22, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you state that your Government instructs you to propose to the Department that the Government of the United States declare formally, in a note addressed to your legation, that, under the laws of the United States, it is not necessary, in order to secure the protection of Danish industrial designs or models, that the articles they represent shall be manufactured in the United States.

In return for such a declaration you announce your willingness to declare, under authority already received from your Government, that the Government of the King will promulgate a royal ordinance by which, under the law of April 1, 1905, § 11 i. f., exemption from Rule No. 4 of § 11, relating to the requirement that the corresponding articles shall be manufactured in Denmark, shall be granted to American industrial drawings or models as long as the said laws of the United States on the subject shall remain unchanged.

In reply I have the honor to inform you that this Government is willing to make, and does hereby formally make, the declaration cited above on the condition proposed by you.

Accept, etc.,

ROBERT BACON,
Acting Secretary.

Mr. CONSTANTIN BRUN,
etc., etc., etc.

The Danish Minister to the Secretary of State.

LEGATION DE DANEMARK,
Bar Harbor, Me., le 26 Juin 1906.

MONSIEUR LE SECRÉTAIRE D'ÉTAT: J'ai l'honneur d'accuser réception à Votre Excellence de la note (No. 629) du 22 courant par laquelle Monsieur Robert Bacon, faisant fonction de Secrétaire d'État, a bien voulu déclarer formellement au nom du Gouvernement des États-Unis, à la condition proposée par moi, que d'après les lois des États-Unis il n'est pas nécessaire pour obtenir la protection de dessins ou modèles industriels Danois que les objets représentés par ces dessins ou modèles soient fabriqués dans les États-Unis.

En retour de cette déclaration et conformément à la condition proposée par moi, je m'empresse, en vertu d'une autorisation reçue du Ministère Royal des Affaires Etrangères, de déclarer formellement que le Gouvernement du Roi fera promulguer une ordonnance Royale par laquelle, en vertu de la loi du 1st Avril 1905 § 11 i. f., une exemption de la règle du § 11 No. 4, relative à la nécessité de fabriquer les objets correspondants en Danemark, sera faite en faveur de dessins ou modèles industriels provenant des États-Unis aussi longtemps que les dites lois des États-Unis relatives au sujet en question restent les mêmes.

J'aurai l'honneur de faire parvenir le texte de l'ordonnance Royale à Votre Excellence immédiatement après la promulgation.

Veuillez agréer, etc.,

C. BRUN.

Son Excellence Monsieur ELIHU ROOT,
Secrétaire d'État.

[Translation.]

LEGATION OF DENMARK,
Bar Harbor, Me., June 26, 1906.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note No. 629, of the 22d instant, by which Mr. Robert Bacon, Acting Secretary of State, was so good as to make, on the condition proposed by me, the formal declaration that, under the laws of the United States, it is not necessary, in order to secure the protection of Danish industrial designs or models, that the articles they represent shall be manufactured in the United States.

In return for that declaration and conformably to the condition proposed by me, I hasten, by virtue of an authorization received from the Royal Ministry of Foreign Affairs, formally to declare that the Government of the King will cause to be promulgated a royal ordinance by which, under the law of April 1, 1905, § 11 i. f., exemption from the rule in § 11, No. 4, relative to the requirement that corresponding articles shall be manufactured in Denmark, shall be granted to industrial designs or models from the United States as long as the

laws of the United States relative to the matter under consideration shall remain unchanged.

I shall have the honor to transmit the text of the royal ordinance to your excellency immediately upon its promulgation.

Be pleased to accept, etc.,

C. BRUN.

ANORDNING hvorved bestemmes, at den i Lov Nr. 107 af 1ste April 1905 § 11, Nr. 4 ommeldte Ophørsgrund for Beskyttelse af her i Landet registrerede Mønstre ikke kommer til Anvendelse over for Genstande, der indføres fra England og de Forenede Stater af Amerika.

Vi Frederik den Ottende, af Guds Naade Konge til Danmark, de Venders og Goters, Hertug til Slesvig, Holsten, Stormarn, Ditmarsken, Lauenborg og Oldensborg, Gøre vitterligt: At da det ved Noteveksling mellem den danske Regering paa den ene Side og Regeringerne i England og de Forenede Stater af Amerika paa den anden Side er blevet fastslaaet, at Genstande, der fra Denmark indføres til de naevnte Lande, kunne nyde Mønsterbeskyttelse sammesteds, saa ville Vi i Henhold til Lov Nr. 107 af 1ste April 1905 § 11, sidste Stykke, herved have anordnet, at den i samme Paragraf under Nr. 4 givne Bestemmelse om, at Beskyttelsen for Mønstret ophører, near Anmelderen fra Udlandet indfører eller tillader Indførsel af Genstande, der ere fremstillede efter samme, ikke skal komme til Anvendelse over for Genstande, der indføres fra England og de Forenede Stater af Amerika, saa laenge den i disse Lande gaeldende Rets Regler paa det omhandlede Omraade forblive uforandrede.

Hvorefter alle vedkommende sig have at rette.

Givet paa Charlottenlund, den 14de August 1906.

Under Vor Kongelige Haand og Segl.

FREDERIK R.
[L. S.]
SIGURD BERG.

Royal ordinance.

[Translation.]

We, Frederick the Eighth, by God's grace King of Denmark, the Wends and Goths, Duke of Sleswick, Holstein, Stormarn, Ditmarsh, Lauenburg, and Oldenburg, make known that, inasmuch as it was decided in an exchange of notes between the Danish Government on the one hand and the Governments of England and the United States of America on the other that articles imported from Denmark into the said countries may enjoy the protection granted on the model there, it is Our will hereby to order that the provisions contained under No. 4, last paragraph of law No. 107 of April 1, 1905, § 11, to the effect that the protection granted on the model shall cease if the applicant for registration from abroad imports or allows to be imported articles manufactured after the same, shall not be applicable to articles imported from England or the United States of America

as long as the laws in force on the subject in those countries remain unchanged.

All whom it may concern shall be guided accordingly.

Given at Charlottenlund, August 14, 1906.

Under Our Royal hand and seal.

FREDERICK R.
[L. S.]
SIGURD BERG.

1907.

PROTECTION OF TRADE-MARKS IN CHINA; AGREEMENT EFFECTED BY EXCHANGE OF NOTES.

Mr. Brun to Mr. Root.

[Translation.]

LEGATION OF DENMARK,
Washington, D. C., March 19, 1907.

MR. SECRETARY OF STATE: By order of my Government I have the honor to beg that Your Excellency will kindly let me know whether the Government of the United States would be disposed to conclude an arrangement with the Government of the King for the reciprocal protection in China of the trade-marks of the citizens of our two countries when the said trade-marks are duly registered in the country of the infringer.

Should the Government of the United States be disposed to conclude such an arrangement, the King's Government would take the necessary measures to have Danish subjects who would infringe in China an American trade-mark duly registered in Denmark, brought before the Danish Consular Court at Shanghai and eventully punished in accordance with the provisions of the law of Denmark.

The Government of the King would expect the Government of the United States to take similar measures in regard to American citizens who might violate in China the privilege of a Danish subject whose trade-mark is duly registered in the United States.

I am authorized to add that my Government would be very glad if such an arrangement could be effected by means of an exchange of notes between Your Excellency and me.

Hoping that Your Excellency will see no objection to assenting to this proposal of my Government, I beg you to accept, Mr. Secretary of State, the renewed assurance of my high consideration.

C. BRUN.

Mr. Root to Mr. Brun.

DEPARTMENT OF STATE,
Washington, March 25, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, in which, by order of your Government, you inquire whether the Government of the United States would be disposed to conclude with that of Denmark an arrangement by an exchange of

notes for the reciprocal protection in China of trade-marks of the citizens of either country from infringement by citizens of the other when the said trade-marks are duly registered in the country of the infringer.

By this agreement Danish subjects infringing in China an American trade-mark duly registered in Denmark would, you state, be brought before the Danish Consular Court at Shanghai and eventually punished in accordance with the provisions of the law of Denmark, and the Government of the King would expect the Government of the United States to take similar measure in regard to American citizens who might violate in China the privilege of a Danish subject whose trade-mark is duly registered in the United States.

The agreement proposed by your Government is in line with the agreements which have been effected by exchange of notes between the Minister of the United States at Peking and the diplomatic representatives there of certain other countries.

It is to be pointed out, however, that in view of the fact that there is no statute in the United States making the infringement—counterfeiting, etc., of a trade-mark—a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade-mark, the word "punishment" is to be understood, with respect to the United States, to refer to a civil action only and not to a criminal procedure.

If this explanation, which has been made in the case of each of the agreements mentioned above, is satisfactory to your Government, I shall be pleased to make the exchange of notes with you.

Accept, Mr. Minister, the renewed assurances of my highest consideration.

ELIHU ROOT.

Mr. Clan to Mr. Root.

[Translation.]

DANISH LEGATION,
May 27, 1907.

MR. SECRETARY OF STATE: Referring to note No. 671, which Your Excellency had the kindness to address to the legation on March 25 last, I have the honor, by order of my Government, to inform you that the necessary instructions have been sent to the Danish consul at Shanghai (the consular headquarters for the whole of China) in order to authorize him to protect American trade-marks, duly deposited in Denmark, against violations by Danish subjects in China, to the same extent as Danish marks of the same nature are protected.

The law which the Danish court at Shanghai is called upon to enforce in the premises is the Danish law of April 11, 1890, amended by the law of December 19, 1898, and the ordinances of September 28, 1894, and September 12, 1902.

Hoping to receive a note informing me that the diplomatic and consular officers of the United States in the Middle Kingdom have had the necessary instructions sent to them in order to insure reciprocity by granting the protection of the United States Consular Courts in China to Danish subjects against American citizens who

have counterfeited Danish trade-marks regularly deposited in the United States, I beg of you, Mr. Secretary of State, to accept the renewed assurance of my highest consideration.

J. CLAN.

Mr. Root to Mr. Clan.

DEPARTMENT OF STATE,
Washington, June 12, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo by which you inform me that in pursuance of the understanding reached by the correspondence which passed between the Danish legation and the Department of State on March 19 and 25, 1907, the necessary instructions have been sent to the Danish consul at Shanghai (the consular headquarters for the whole of China) in order to authorize him to protect American trade-marks, duly deposited in Denmark, against violations by Danish subjects in China, to the same extent as Danish marks of the nature are protected.

As a completion of the exchange of notes to give the said understanding effect, I have the honor to inform you that, on the part of the United States, the Minister of the United States at Peking has this day been instructed to inform the consular officers of the United States in China that hereafter trade-marks of Danish subjects, which have been duly registered in the United States, are to be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts in China.

Accept, sir, the renewed assurances of my high consideration.

ELIHU ROOT.

1908.

ARBITRATION CONVENTION.

Signed at Washington, May 18, 1908; ratification advised by the Senate, May 20, 1908; ratified by the President, January 8, 1909; ratified by Denmark, February 15, 1909; ratifications exchanged at Washington, March 29, 1909; proclaimed, March 29, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America and His Majesty the King of Denmark, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitra-

tion all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following arrangement:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Denmark by the King in such forms and conditions as He may find requisite or appropriate.

ARTICLE III.

The present Convention is concluded for a period of five years, dating from the day of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Denmark.

The ratifications of this Convention shall be exchanged at Washington as soon as possible, and it shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Danish languages, at Washington, this 18th day of May in the year 1908.

ROBERT BACON [SEAL.]
C. BRUN. [SEAL.]

DOMINICAN REPUBLIC.

1867.[a]

Convention of Amity, Commerce, and Navigation and for the Surrender of Fugitive Criminals.

Concluded February 8, 1867; ratification advised by the Senate, March 20, 1867; ratified by the President, July 31, 1867; ratifications exchanged October 5, 1867; proclaimed October 24, 1867.

Articles.

I. Amity.
II. Exemption from military service.
III. Reciprocal privileges of citizens.
IV. Religious freedom.
V. Property rights.
VI. Tonnage duties.
VII. Coasting trade.
VIII. Nationality of vessels.
IX. Duties on imports and exports.
X. Discriminating duties.
XI. Shipwrecks.
XII. Rights of neutrals to trade.
XIII. Contraband goods.
XIV. Articles not contraband.
XV. Free ships make free goods.
XVI. Passports.
XVII. Proof of neutrality of vessels.
XVIII. Visitation and search.
XIX. Neutral vessels with convoy.
XX. Capture of neutral vessels.
XXI. Officers, passengers, etc., on neutral vessels.
XXII. Prize courts.
XXIII. Admission of ships of war with prizes.
XXIV. Disposition of prizes.
XXV. Letters of marque.
XXVI. Consuls.
XXVII. Extradition.
XXVIII. Crimes.
XXIX. Expenses.
XXX. Political offenses.
XXXI. Duration.
XXXII. Ratification.

The United States of America and the Dominican Republic, equally animated with the desire of maintaining the cordial relations and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce and navigation, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

The President of the United States, John Somers Smith, Commercial Agent of the United States at the city of Santo Domingo, and the President of the Dominican Republic, José Gabriel Garcia, Secretary of State in the Department of Foreign Relations, and Juan Ramon Fiallo, ex-Secretary of the Treasury;

Who, after a communication of their respective full powers, have agreed to the following articles:

Article I.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable and universal peace, and a true and

[a] This convention terminated January 13, 1898, on notice from the Dominican Government.

sincere friendship between the Republics of the United States of America and the Dominican Republic, and between their respective countries, territories, cities, towns and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe-conduct against the insults and captures which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other, shall not be confiscated or sequestrated.

Article II.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever, higher or other than those that are or may be paid by native citizens.

Article III.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail as with respect to the loading, unloading and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defence of their interests and rights such advocates, attorneys and other agents as they may think proper.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief, nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose; provided that in so doing they observe the decorum due to the laws, usages and customs of the country. It is likewise agreed that the citizens of the one country dying in the territory of the other, may be interred either in the ordinary cemeteries or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them. shall be protected from violation or disturbance.

ARTICLE V.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be finally decided by the judicial tribunals of the country in which it is situated.

When on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

ARTICLE VI.

The high contracting parties hereby agree, that whatever kind of produce, manufactures or merchandise, of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Dominican Republic, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of the United States, or a vessel under the flag of the Dominican Republic. And, reciprocally, what-

ever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the Dominican Republic in her own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of the Dominican Republic, or under the flag of the United States.

Whatever can be lawfully exported or re-exported by one party in its own vessels to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other; and the same duties, bounties and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Article VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens.

But vessels of either country shall be allowed to discharge a part of their cargoes at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port-charges or tonnage-dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

Article VIII.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of the Dominican Republic, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Dominican vessel.

Article IX.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce or manufacture of the Dominican Republic, or of her fisheries; and no higher or other duty shall be imposed on the importation into the Dominican Republic of any article the growth, produce or manufacture of the United States, or their fisheries, than are or shall be payable on the like articles the growth, produce or manufacture of any other foreign country, or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to the Dominican Republic, nor in the Dominican Republic on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

No prohibition shall be imposed on the importation of any article the growth, produce or manufacture of the United States or their fisheries, or of the Dominican Republic and her fisheries, from or to the ports of the United States or the Dominican Republic, which shall not equally extend to every other foreign country.

ARTICLE X.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened, and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels. It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same power, unless such ports or places be effectively blockaded, besieged or invested.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she

shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper; provided the same be not blockaded, besieged or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XIII.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended.—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls and everything belonging to the use of arms.
2. Bucklers, helmets, breast-plates, coats of mail, accoutrements and clothes made up in military form and for military use.
3. Cavalry belts, and horses with their harness.
4. And, generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

Article XIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

Article XV.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.
2. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship, unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and States as shall consent to adopt them as permanent and immutable.

Article XVI.

In time of war the merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

Article XVII.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belonged to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure and the passport remain in full force.

Article XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two

or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XIX.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

ARTICLE XX.

In all cases where vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXI.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers and crew shall be hospitably treated. They shall not be imprisoned or de-

prived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXII.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIII.

When the ships of war of the two contracting parties, or those belonging to their citizens, which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nations.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation, to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXV.

No citizen of the Dominican Republic shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission

or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of the Dominican Republic, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

Article XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the

tribunal before which his case shall be pending shall have pronounced its sentence. and such sentence shall have been carried into effect.

Article XXVII.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Article XXVIII.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Article XXIX.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effective in virtue of the preceding articles, shall be at the cost of the party making the demand.

Article XXX.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

Article XXXI.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Santo Domingo as soon as circumstances shall admit.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate at the city of Santo Domingo, this eighth day of February, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] JNO. SOMERS SMITH.
[SEAL.] JOSÉ G. GARCIA.
[SEAL.] JUAN R. FIALLO.

1903.

ARBITRATION PROTOCOL.—CLAIM OF SAN DOMINGO IMPROVEMENT COMPANY.

Signed January 31, 1903.

ARTICLES.

I. Manner of payment.
II. Meeting of arbitrators.
III. Procedure.
IV. Arguments.
V. Cession of properties.
VI. Time of payment.
VII. Award.
VIII. Expenses.

Protocol of an agreement between the United States of America and the Dominican Republic, for the submission to arbitration of certain questions as to the payment of the sum hereinafter agreed to be paid by the Dominican Government to the Government of the United States on account of the claims of the San Domingo Improvement Company of New York, a corporation under the laws of the State of New Jersey and a citizen of the United States, and its allied companies.

Whereas, differences exist between the Dominican Government and the "San Domingo Improvement Company" and its allied companies; and

Whereas, as the result of those differences, the interests of the Improvement Company and its allied companies, viz: "The San Domingo Finance Company of New York," "The Company of The Central Dominican Railway," both being corporations created under the laws of New Jersey, and the National Bank of San Domingo, a company originally organized under a French charter, the two latter companies being owned and controlled by the San Domingo Finance Company, are seriously affected; and

Whereas, it is agreed, as the basis of the present settlement, that the Improvement Company and its allied Companies shall withdraw from the Dominican Republic, and that they shall be duly indemnified by the latter for the relinquishment of their rights, properties and interests.

The United States of America and the Dominican Republic through their respective representatives, W. F. Powell, Chargé d'Affaires, and Juan Fco. Sanchez, Secretary of State for Foreign Relations, have agreed upon the following articles:

I.

It being hereby agreed that the Dominican Government shall pay to the Government of the United States the sum of $4,500,000 (four millions five hundred thousand dollars) in American gold, on terms to be fixed by the arbitrators, said payment to be made and accepted as full indemnity for the relinquishment by the companies abovementioned of all their rights, properties and interests, and in full settlement of all accounts, claims and differences between the Dominican Government and the said companies; the terms on which the indemnity thus agreed upon shall be paid shall be referred to a board of three arbitrators, one to be named by the President of the United States, one by the President of the Dominican Republic, and the third by the President of the United States and the President of the Dominican Republic jointly; but if, within sixty days after the signature of the present protocol, the third arbitrator shall not have been so named, he shall then be selected by the Dominican Government from members of the United States Supreme Court or the United States Circuit Court of Appeals, from names presented.

In case of the death, absence or incapacity of any arbitrator, or in the event of his ceasing or omitting to act, the vacancy shall be filled in the same manner as the original appointment, the period of sixty days to be calculated from the date of the happening of the vacancy.

II.

The arbitrators shall meet in the city of Washington, within sixty days after the date of the appointment of the third arbitrator.

The vote of the majority shall suffice for the decision of all questions submitted to the tribunal, including the final award.

III.

Within six months after the signature of this protocol, each party shall present to the other and to its agent, and also to each of the arbitrators, two printed copies of its case, accompanied with the documents and evidence on which it relies, together with the affidavits of their respective witnesses.

Within a further period of two months, either party may, in like manner, present a counter-case, with additional documents and evidence and affidavits, in reply to the case, documents and evidence of the other party.

If the other party shall, in its case or counter-case, refer to any document in its exclusive possession without annexing a copy, it shall, upon the request of the other party, furnish the latter with a copy; and either party may call upon the other through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence.

IV.

Within two months after the expiration of the term allowed for the filing of counter-cases, each Government may, by its agent, as well as by additional counsel, argue its cause before the arbitrators, both orally and in writing. Each side shall furnish to the other copies of any written arguments, and each party shall be at liberty to make a written reply, provided that such reply be submitted within the two months specified.

V.

The Companies above mentioned shall cede and transfer to the Dominican Government, and the latter shall acquire from the Companies, the properties mentioned herein, the times, terms and conditions of the delivery of which shall be fixed by the arbitrators:

1. All the rights and interests which they may possess in the section of the Central Dominican Railway already constructed, as well as all rights and interests which they may have in the extension of the railways from Santiago to Moca, and from Moca to San Francisco de Macoris.

2. All rights and interests which they may have in the National Bank.

3. All bonds of the Republic of which they may be the holders, the amount of which shall not exceed £850,000, nominal (eight hundred and fifty thousands sterling pounds), nominal and shall be no less than £825,000 (eight hundred and twenty five thousands sterling pounds nominal)

It is understood that all these bonds are of the class bearing four per cent, annual interests excepting as to £24,000 (twenty four thousands sterling pounds) two and three-quarter per cent bonds, which shall be accepted at the rate of sixteen 2.¾% bonds for eleven 4% bonds. A list of the bonds shall accompany the case of the United States.

VI.

It is agreed, as the basis of the award to be made by the arbitrators, that the sum specified in Article I hereof shall be paid in monthly instalments, the amount and manner of collection of which shall be fixed by the tribunal. The award shall bear interest from the date of its rendition at the

The Dominican Government having, in its recent negotiations with the American Companies, proposed to pay, on account of its indebtedness to them, a minimum sum of $225,000 (two hundred and twenty five thousands dollars) per annum, which was to be increased on a sliding scale, it is agreed that the Dominican Government shall, pending the present arbitration, and beginning with the 1st of January 1903, pay to the Government of the United States for the use of the American Companies, the sum of $225,000 (two hundred and twenty five thousands dollars) per annum, in equal monthly instalments, the aggregate amount so paid, at the date of the award, to be taken into account of the arbitrators.

VII.

The award of the tribunal shall be rendered within a year from the date of the signature of the present protocol. It shall be in writing, and shall be final and conclusive.

VIII.

Reasonable compensation to the arbitrators for their services and all expenses incident to the arbitration, including the cost of such clerical aid as may be necessary, shall be paid by the Governments in equal moieties.

Done in quadruplicate, in English and Spanish, at San Domingo City, this 31st day of January, 1903.

[SEAL] JNO FCO SÁNCHEZ
Ministro de Relaciones Exteriores

[SEAL] W. F. POWELL,
Chargé d'Affaires.

AGREEMENT TO THE NAMING OF ARBITRATORS.

It is hereby agreed, on the part of the Dominican Government, through Juan Francisco Sanchez, Secretary of State for Foreign Relations, and the Chargé d'Affaires of the United States of North América, in the person of W. F. Powell, each acting for his respective Government, agree that neither of the signatory parties to this Protocol for International Arbitration, to which has been referred certain disagreements existing between the Dominican Government on the one side, and the Santo Domingo Improvement Company on the other, shall name its Arbitrator as stated in said Protocol, until after a period of ninety (90) days from the date of signing the same, in order to allow the Dominican Government to come to an agreement with the Santo Domingo Improvement Company, and the date referred to in the appointment of the third Arbitrator shall bear same as that expressed above.

To the above we agree, and with good faith to carry the same into effect, have here-unto affixed our names and attached thereto the Seals of our respective Offices.

Done this 31st Day of January, 1903.

[SEAL] JNO FCO SÁNCHEZ
Secretary of State for Foreign Relations of the Republic of San Domingo

W. F. POWELL. [SEAL]
Chargé d'Affaires of the United States of North America

The board of arbitrators, consisting of Hon. John G. Carlisle, appointed by the President of the United States, Don Manuel de J. Galvan, appointed by the President of the Dominican Republic, and Judge George Gray, nominated by the President of the Dominican Republic, on the 14th of July, 1904, rendered the award, providing for the redelivery of the various properties to the Dominican Republic, and providing that the Dominican Republic shall pay the principal sum of four million four hundred and eighty one thousand two hundred and fifty dollars, in monthly installments of thirty seven thousand, five hundred dollars each, during the first two years and of $41,666.66 each thereafter to the financial agent of the United States on the first day of each month, beginning with September, 1904, and as

security for such payments the customs revenues and customs houses of Puerto Plata, Sanchez Samana and Montecristy, and all other ports of entry or custom houses now existing or might thereafter be established on the coast or in the interior north of eighteen degrees and forty five minutes and east of the Haitian boundry, were to be assigned and designated, which customs houses were to be turned over to a financial agent, to be appointed by the United States, who was to have entire charge of such custom houses and of the collection of the revenues therefrom.

1907.

CONVENTION PROVIDING FOR THE ASSISTANCE OF THE UNITED STATES IN THE COLLECTION AND APPLICATION OF THE CUSTOMS REVENUES OF THE DOMINICAN REPUBLIC.

Concluded February 8, 1907; ratification advised by the Senate February 25, 1907; ratified by the President June 22, 1907; ratifications exchanged July 8, 1907; proclaimed July 25, 1907.

ARTICLES.

I. Receiver.
II. Payment of customs revenues.
III. Public debt.
IV. Accounts of receiver.
V. Ratification.

Whereas during disturbed political conditions in the Dominican Republic debts and claims have been created, some by regular and some by revolutionary governments, many of doubtful validity in whole or in part, and amounting in all to over $30,000,000, nominal or face value;

And whereas the same conditions have prevented the peaceable and continuous collection and application of National revenues for payment of interest or principal of such debts or for liquidation and settlement of such claims; and the said debts and claims continually increase by accretion of interest and are a grievous burden upon the people of the Dominican Republic and a barrier to their improvement and prosperity;

And whereas the Dominican Government has now effected a conditional adjustment and settlement of said debts and claims under which all its foreign creditors have agreed to accept about $12,407,000 for debts and claims amounting to about $21,184,000 of nominal or face value, and the holders of internal debts or claims of about $2,028,-258 nominal or face value have agreed to accept about $645,827 therefor, and the remaining holders of internal debts or claims on the same basis as the assents already given will receive about $2,400,000 therefor, which sum the Dominican Government has fixed and determined as the amount which it will pay to such remaining internal debt holders; making the total payments under such adjustment and settlement, including interest as adjusted and claims not yet liquidated, amount to not more than about $17,000,000.

And whereas a part of such plan of settlement is the issue and sale of bonds of the Dominican Republic to the amount of $20,000,000 bearing five per cent interest payable in fifty years and redeemable

after ten years at 102½ and requiring payment of at least one per cent per annum for amortization, the proceeds of said bonds, together with such funds as are now deposited for the benefit of creditors from customs revenues of the Dominican Republic heretofore received, after payment of the expenses of such adjustment, to be applied first to the payment of said debts and claims as adjusted and second out of the balance remaining to the retirement and extinction of certain concessions and harbor monopolies which are a burden and hindrance to the commerce of the country and third the entire balance still remaining to the construction of certain railroads and bridges and other public improvements necessary to the industrial development of the country;

And whereas the whole of said plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The Dominican Government, represented by its Minister of State for Foreign Relations, Emiliano Tejera, and its Minister of State for Finance and Commerce, Federico Velasquez H., and the United States Government, represented by Thomas C. Dawson, Minister Resident and Consul General of the United States to the Dominican Republic, have agreed:

I. That the President of the United States shall appoint, a General Receiver of Dominican Customs, who, with such Assistant Receivers and other employees of the Receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds issued by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said General Receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon said bonds; third, to the payment of the annual sums provided for amortization of said bonds including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation pursuant to the terms thereof of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

The expenses of the receivership shall be paid by the Receiver as they arise. The allowances to the General Receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two Governments.

On the first day of each calendar month the sum of $100,000 shall be paid over by the Receiver to the Fiscal Agent of the loan, and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund

for the purchase or redemption of bonds, as the Dominican Government shall direct.

Provided, that in case the customs revenues collected by the General Receiver shall in any year exceed the sum of $3,000,000, one half of the surplus above such sum of $3,000,000 shall be applied to the sinking fund for the redemption of bonds.

II. The Dominican Government will provide by law for the payment of all customs duties to the General Receiver and his assistants, and will give to them all needful aid and assistance and full protection to the extent of its powers. The Government of the United States will give to the General Receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

III. Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and the United States. A like agreement shall be necessary to modify the import duties, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of $2,000,000 United States gold.

IV. The accounts of the General Receiver shall be rendered monthly to the Contaduria General of the Dominican Republic and to the State Department of the United States and shall be subject to examination and verification by the appropriate officers of the Dominican and the United States Governments.

V. This agreement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two being in the English language, and two in the Spanish, and the representatives of the high contracting parties signing them in the City of Santo Domingo this 8th day of February, in the year of our Lord 1907.

THOMAS C DAWSON
EMILIANO TEJERA
FEDERICO VELAZQUEZ H.

ECUADOR.

1839.

Treaty of Peace, Friendship, Navigation, and Commerce.[a]

Concluded June 13, 1839; ratification advised by the Senate July 15, 1840; ratified by the President July 31, 1840; ratifications exchanged April 9, 1842; proclaimed September 23, 1842.

Articles.

I. Amity.
II. Most favored nation.
III. Freedom of commerce and navigation.
IV. Duties.
V. Nationality of vessels.
VI. Duties on imports and exports.
VII. Reciprocal privileges of citizens.
VIII. Embargo without indemnification.
IX. Asylum to vessels.
X. Captures by pirates.
XI. Shipwrecks.
XII. Rights of property.
XIII. Special protection.
XIV. Religious freedom.
XV. Rights of neutrals; free ships, free goods.
XVI. Enemy's flag not to protect property of neutral.
XVII. Contraband goods.
XVIII. Articles not contraband.
XIX. Neutral vessels.
XX. Blockade.
XXI. Visitation and search.
XXII. Nationality of vessels.
XXIII. Neutral vessels with convoy.
XXIV. Prize courts.
XXV. Letters of marque.
XXVI. Treatment of citizens in war.
XXVII. Exemption of debts and securities.
XXVIII. Most favored nation to public ministers.
XXIX. Consuls.
XXX. Exequaturs.
XXXI. Rights of consuls.
XXXII. Deserters.
XXXIII. Consular convention.
XXXIV. Construction favored nation provision.
XXXV. Duration; ratification.

The United States of America and the Republic of Ecuador, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation. For this most desirable object the President of the United States of America has conferred full powers on James C. Pickett, a citizen of the said States, and the President of the Republic of Ecuador, on Doctor Luis de Saá, Minister of Finance, charged with the Department of the Interior and

[a] This treaty was terminated August 25, 1892, by notice from the Ecuadoran Government.

Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Ecuador, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandise; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected; but it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws. And it is further agreed that this article shall be subject to the following modification: That whereas by a law of Ecuador of March twenty-first, 1837, vessels built in the dock-yard of Guayaquil shall be exempted from various charges, therefore vessels of the United States cannot claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American Republics.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in the vessels of the Republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into

the Republic of Ecuador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Ecuador.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Ecuador; and no higher or other duties shall be imposed on the importation into the Republic of Ecuador of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Ecuador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Ecuador, to or from the territories of the United States, or to or from the territories of the Republic of Ecuador, which shall not equally extend to all other nations.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favored nation. They shall be subject, however, to such general taxes and contributions as are or may be established by law.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE X.

All the ships, merchandise and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of their respective Governments.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them

the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

It is likewise agreed that the most perfect and entire security of conscience may be enjoyed by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of Ecuador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons

who are on board a free ship, with this effect, that, although they may be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: *Provided, however*, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Article XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and, as such, shall be liable to detention and confiscation; except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandises of the neutral, embarked in such enemy's ship, shall be free.

Article XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halbreds, and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2nd. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in military form, and for military use.

3rd. Cavalry belts, and horses with their furniture.

4th. And, generally, all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war, by sea or land.

Article XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of a neutral.

ARTICLE XIX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper.

Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kinds of disorder, in the visiting and examination of the ships and cargoes of both the contracting parties, on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boats with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property, for which purpose the commanders of the said private armed vessel shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree,

that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship; as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

It is further agreed that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostility with the said enemy, against the said party so at war, under the pain of being considered as a pirate.

ARTICLE XXVI.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the

coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection, until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States and the Republic of Ecuador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public nor private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE XXVIII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other Public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy; it being understood, that whatever favors, immunities, or privileges, the United States of America or the Republic of Ecuador may find it proper to give to the Ministers and other Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future, to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, perogatives and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and Vice-Consuls may not seem convenient.

ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIV.

It is further agreed, that the words, "most favored nation," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or State it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention, the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain and with the citizens of Mexico and of the other Hispano-American States, with which treaties have been or may be concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

FOREIGN MISSIONS LIBRARY;
156 Fifth Avenue, New York.

ARTICLE XXXV.

The United States of America and the Republic of Ecuador, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties, by virtue of this treaty of peace, amity, commerce and navigation, have decided solemnly and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

2nd. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3rd. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

The present treaty of peace, amity, commerce and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Quito, within three years, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Ecuador, have signed and sealed these presents.

Done in the city of Quito on the thirteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, and in the sixty-third year of the Independence of the United States of America and the twenty-ninth of that of the Republic of Ecuador.

[SEAL.] J. C. PICKETT.
[SEAL.] LUIS DE SAA.

1862.

Claims Convention.

Concluded November 25, 1862; ratification advised by the Senate January 28, 1863; ratified by the President February 13, 1863; ratifications exchanged July 27, 1864; proclaimed September 8, 1864.

Articles.

I. Claims; commission.
II. Procedure.
III. Award.
IV. Duration of commission.
V. Decisions.
VI. Expenses.
VII. Ratification.

The United States of America and the Republic of Ecuador, desiring to adjust the claims of citizens of said States against Ecuador, and of citizens of Ecuador against the United States, have, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States on Frederick Hassaurek, Minister Resident of the United States in Ecuador, and the President of Ecuador on Juan José Flores, General-in-Chief of the Armies of the Republic;

Who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles:

Article I.

All claims on the part of corporations, companies or individuals, citizens of the United States, upon the Government of Ecuador, or of corporations, companies or individuals, citizens of Ecuador, upon the Government of the United States, shall be referred to a Board of Commissioners consisting of two members, one of whom shall be appointed by the Government of the United States, and one by the Government of Ecuador. In case of death, absence, resignation or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act, the Government of the United States or that of Ecuador, respectively, or the Minister of the United States in Ecuador, in the name of his Government, shall forthwith proceed to fill the vacancy thus occasioned. The Commissioners so named shall meet in the city of Guayaquil within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them; and such oath shall be entered on the record of their proceedings.

The Commissioners shall then proceed to name an Arbitrator or Umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the Umpire shall be appointed by her Britannic Majesty's Chargé d'Affaires, or (excepting the Minister Resident of the United States) by any other diplomatic agent in Quito whom the two high contracting parties shall invite to make such appointment.

ARTICLE II.

The Arbitrator or Umpire being appointed, the Commissioners shall, without delay, proceed to examine the claims which may be presented to them by either of the two Governments; and they shall hear, if required, one person in behalf of each Government on every separate claim. Each Government shall furnish, upon request of either Commissioner, such papers in its possession as may be deemed important to the just determination of any claim or claims.

In cases where they agree to award an indemnity, they shall determine the amount to be paid. In cases in which said Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

ARTICLE III.

The Commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves or of those made by the Umpire; and the aggregate amount of all sums decreed by the Commissioners, and of all sums accruing from awards made by the Umpire under the authority conferred by the fifth article, shall be paid to the Government to which the respective claimants belong. Payment of said sums shall be made in equal annual instalments, to be completed within nine years from the date of the termination of the labors of the Commission, the first payment to be made six months after the same date. To meet these payments both Governments pledge the revenues of their respective nations.

ARTICLE IV.

The Commission shall terminate its labors in twelve months from the date of its organization. They shall keep a record of their proceedings, and may appoint a Secretary versed in the knowledge of the English and Spanish languages.

ARTICLE V.

The proceedings of this Commission shall be final and conclusive with respect to all pending claims. Claims which shall not be presented to the Commission within the twelve months it remains in existence will be disregarded by both Governments, and considered invalid. In the event that, upon the termination of the labors of said Commission, any case or cases should be pending before the Umpire, and awaiting his decision, said Umpire is hereby authorized to make his decision or award in such case or cases, and his certificate thereof in each case, transmitted to each of the two Governments, shall be held to be binding and conclusive: *Provided, however*, That his decision shall be given within thirty days from the termination of the labors of the Commission, at the expiration of which thirty days his power and authority shall cease.

ARTICLE VI.

Each Government shall pay its own Commissioner; but the Umpire, as well as the incidental expenses of the Commission, shall be paid one-half by the United States and the other half by Ecuador.

ARTICLE VII.

The present convention shall be ratified and the ratifications exchanged in the city of Quito.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and hereunto affixed our seals, in the city of Guayaquil, this twenty-fifth day of November, in the year of our Lord 1862.

[SEAL.] F. HASSAUREK.
[SEAL.] JUAN JOSÉ FLORES.

Pursuant to the foregoing convention the Commission, consisting of two members and an arbitrator, was duly appointed, met at Guayaquil, August 22, 1864, terminated its session August 17, 1865, and awarded $94,799.56 in favor of the United States.

1872.[a]

NATURALIZATION CONVENTION.

Concluded May 6, 1872; ratification advised by the Senate May 23, 1872; ratified by the President May 25, 1872; ratifications exchanged November 6, 1873; proclaimed November 24, 1873.

ARTICLES.

I. Requisites for naturalization.
II. Recovery of former citizenship.
III. Renunciation of citizenship.
IV. Offense committed before emigration.
V. Declaration of intention.
VI. Duration.
VII. Ratification.

The United States of America and the Republic of Ecuador, being desirous of regulating the citizenship of persons who emigrate from Ecuador to the United States, and from the United States to the Republic of Ecuador, have decided to treat on this subject, and for this purpose, have named their respective Plenipotentiaries, to wit: the President of the United States, Hamilton Fish, Secretary of State, and the President of the Republic of Ecuador, Don Antonio Flores, accredited as Minister Resident of that Republic to the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles.

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[a] This convention was abrogated August 25, 1892, upon notice by the Ecuadorian Government.

ARTICLE I.

Each of the two Republics shall recognize as naturalized citizens of the other, those persons who shall have been therein duly naturalized, after having resided uninterruptedly, in their adopted country as long as may be required by its constitution or laws.

This Article shall apply as well to those already naturalized in the countries of either of the contracting parties as to those who may be hereafter naturalized.

ARTICLE II.

If a naturalized citizen of either country shall renew his residence in that where he was born, without an intention of returning to that where he was naturalized, he shall be held to have re-assumed the obligations of his original citizenship, and to have renounced that which he had obtained by naturalization.

ARTICLE III.

A residence of more than two years in the native country of a naturalized citizen, shall be construed as an intention on his part to stay there without returning to that where he was naturalized. This presumption, however, may be rebutted by evidence to the contrary.

ARTICLE IV.

Naturalized citizens of either country, on returning to that where they were born, shall be subject to trial and punishment according to the laws, for offences committed before their emigration, saving always the limitations established by law.

ARTICLE V.

A declaration of intention to become a citizen shall not have the effect of naturalization.

ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador with the approval of the Congress of that Republic, and the ratifications shall be exchanged at Washington within eighteen months from the date hereof.

In faith whereof the plenipotentiaries have signed and sealed this convention at the city of Washington this sixth day of May, in the year of our Lord one thousand eight hundred and seventy two.

[SEAL.] ANTONIO FLORES.
[SEAL.] HAMILTON FISH.

1872.

EXTRADITION CONVENTION.

Concluded June 28, 1872; ratification advised by the Senate January 6, 1873; ratified by the President January 10, 1873; ratifications exchanged November 12, 1873; proclaimed December 24, 1873.

ARTICLES.

I. Persons to be delivered.
II. Extraditable crimes.
III. Political offenses, etc.
IV. Persons under arrest in country where found.
V. Procedure.
VI. Expenses.
VII. Duration; ratification.

The United States of America and the Republic of Ecuador having deemed it conducive to the better administration of justice and the prevention of crime within their respective territories, that all persons convicted of, or accused of the crimes enumerated below, being fugitives from justice, shall be, under certain circumstances, reciprocally delivered up have resolved to conclude a Treaty upon the subject, and the President of the United States has for this purpose named Rumsey Wing, a citizen of the United States, and their Minister Resident in Ecuador, as Plenipotentiary on the part of the United States; and the President of Ecuador has named Francisco Tavier Leon, Minister of the Interior and of Foreign Affairs, as Plenipotentiary on the part of Ecuador; who having reciprocally communicated their full powers, and the same having been found in good and due form, have agreed upon the following articles, viz:

ARTICLE 1st.

The Government of the United States, and the Government of Ecuador mutually agree to deliver up such persons as may have been convicted of, or may be accused of the crimes set forth in the following article, committed within the jurisdiction of one of the contracting parties, and who may have sought refuge, or be found within the Territory of the other: it being understood that this is only to be done when the criminality shall be proved in such manner that according to the laws of the country, where the fugitive or accused may be found such persons might be lawfully arrested and tried, had the crime been committed within its jurisdiction.

ARTICLE 2nd.

Persons convicted of or accused of any of the following crimes shall be delivered up, in accordance with the provisions of this Treaty.

1st. Murder, including assassination, parricide, infanticide and poisoning.

2nd. The crime of rape, arson, piracy, and mutiny on ship-board when the crew or a part thereof, by fraud or violence against the commanding officer have taken possession of the vessel.

3rd. The crime of burglary, this being understood as the act of breaking or forcing an entrance into another's house with intent to commit any crime, and the crime of robbery, this being defined as the act of taking from the person of another, goods or money with criminal intent, using violence or intimidation.

4th. The crime of forgery: which is understood to be the wilful use or circulation of forged papers or public documents.

5th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank bills and securities, and in general of any kind of titles to or instruments of credit, the counterfeiting of stamps, dies, seals, and marks of the State, and of the administrative authorities, and the sale or circulation thereof.

6th. Embezzlement of public property, committed within the jurisdiction of either party by public officers or depositaries.

ARTICLE 3rd.

The stipulations of this treaty shall not be applicable to crimes or offences of a political character; and the person or persons delivered up charged with the crimes specified in the foregoing article shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

ARTICLE 4th.

If the person whose extradition may have been applied for in accordance with the stipulations of the present Treaty, shall have been arrested for offences committed in the country where he has sought refuge, or if he shall have been sentenced therefor, his extradition may be deferred until his acquittal, or the expiration of the term for which he shall have been sentenced.

ARTICLE 5th.

Requisitions for the extradition of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in case of the absence of these from the country or its capital, they may be made by superior Consular officers. If the person whose extradition is asked for shall have been convicted of a crime, the requisition must be accompanied by a copy of the sentence of the Court that has convicted him, authenticated under its seal, and an attestation of the official character of the judge who has signed it, made by the proper executive authority; also by an authentication of the latter by the Minister or Consul of the United States or Ecuador respectively. On the contrary however, when the fugitive is merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime has been committed, and of any evidence in writing upon which such warrent may have been issued, must accompany the aforesaid requisition. The President of the United States or the proper executive authority of Ecuador, may then order the arrest of the fugitive, in order that he may

be brought before the judicial authority, which is competent to examine the question of extradition.

If, then, according to the evidence and the law, it be decided that the extradition is due in conformity with this Treaty, the fugitive shall be delivered up, according to the forms prescribed in such cases.

ARTICLE 6th.

The expenses of the arrest, detention and transportation of persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE 7th.

This treaty shall continue in force for ten years (10) from the day of the exchange of ratifications, but in case neither party shall have given to the other one year's (1) previous notice of its intention to terminate the same, then this Treaty shall continue in force for ten years (10) longer, and so on.

The present Treaty shall be ratified, and the ratifications exchanged in the Capital of Ecuador, within two months from the day on which the session of the coming Congress of Ecuador shall terminate, which will be in October 1873.

In testimony whereof the respective Plenipotentiaries have signed the present Treaty in duplicate, and have hereunto affixed their seals.

Done in the city of Quito, Capital of the Republic of Ecuador, this twenty eight day of June one thousand eight hundred and seventy two.

RUMSEY WING [SEAL.]
FRANCISCO TAVIER LEON [SEAL.]

1893.

CLAIMS CONVENTION—JULIO R. SANTOS.

Concluded February 28, 1893; ratification advised by the Senate September 11, 1893; ratified by the President September 16, 1893; ratifications exchanged November 6, 1894; proclaimed November 7, 1894.

ARTICLES.

I. Claim to be arbitrated.
II. Selection of arbitrator.
III. Submission of case; evidence.
IV. Award.
V. Finality of award.
VI. Expenses.
VII. Ratification.

The United States of America, and the Republic of Ecuador, being desirous of removing all questions of difference between them, and of maintaining their good relations, in a manner consonant to their just interests and dignity, have decided to conclude a convention, and for that purpose have named as their respective Plenipotentiaries, to wit:

The President of the United States; Rowland Blennerhassett Mahany, Envoy Extraordinary and Minister Plenipotentiary of the United States to Ecuador; and

The President of Ecuador; Honorato Vazquez, Plenipotentiary *ad hoc*, of that Republic; who, having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The two governments agree to refer to the decision of an arbitrator, to be designated in the manner hereinafter provided, the claim presented by the Government of the United States against that of the Republic of Ecuador, in behalf of Julio R. Santos, a native of Ecuador, and naturalized as a citizen of the United States in the year 1874; the said claim being for injuries to his person and property, growing out of his arrest and imprisonment by the authorities of Ecuador, and other acts of the said authorities in the years 1884 and 1885.

ARTICLE II.

1. In order to secure the services of a competent and impartial arbitrator, it is agreed that the Government of Her Britannic Majesty be requested to authorize its diplomatic representative in Quito, to act in that capacity; or in case of his absence from the country, that this permission be given his successor.

2. In case of the failure of the diplomatic representative of Her Britannic Majesty's Government, or of the successor of the said representative, to act as such arbiter, then the said representative, or his successor, be requested to name an arbitrator who shall not be a citizen either of the United States or of Ecuador.

3. Any vacancy in the office of Arbitrator, to be filled in the same manner as the original appointment.

ARTICLE III.

1. As soon as may be after the designation of the Arbitrator, not to exceed the period of ninety days, the written or printed case of each of the contracting parties, accompanied by the documents, the official correspondence and other evidence on which each relies, shall be delivered to the Arbitrator, and to the agent of the other party; and within ninety days after such delivery and exchange of the cases of the two parties, either party may, in like manner, deliver to the Arbitrator, and to the agent of the other side, a countercase to the documents and evidence presented by the other party, with such written or printed argument as may, by each, be deemed proper. And each government shall furnish upon the request of the other, or its agent, such papers in its possession as may be deemed important to the just determination of the claim.

2. Within the last named period of ninety days, the Arbitrator may also call for such evidence as he may deem proper, to be furnished within the same period; and shall also receive such oral and documentary evidence as each government may offer. Each government

shall also furnish, upon the requisition of the Arbitrator, all documents in its possession, which may be deemed by him as material to the just determination of the claim.

3. Within sixty days after the last mentioned period of ninety days, the Arbitrator shall render his opinions and decisions in writing, and certify the same to the two Governments. These decisions and opinions shall embrace the following points, to-wit:

(*a*) Whether, according to the evidence adduced, Julio R. Santos, by his return to and residence in Ecuador, did or did not, under the provisions of the Treaty of Naturalization between the two Governments, concluded May 6, 1872, forfeit his United States citizenship as to Ecuador, and resume the obligations of the latter country.

(*b*) If he did not so forfeit his United States citizenship, whether or not it was shown by the evidence adduced, that Julio R. Santos has been guilty of such acts of unfriendliness and hostility to the Government of Ecuador, as, under the Law of Nations, deprived him of the consideration and protection due a neutral citizen of a friendly Nation.

Article IV.

1. In case either one or the other of the points recited in clauses (*a*) and (*b*) of the last preceding article, should be decided in favor of the contention of the Government of Ecuador, said Government shall be held to no further responsibility to that of the United States for arrest, imprisonment, and other acts of the authorities of Ecuador towards Julio R. Santos, during the years 1884 and 1885.

2. On the other hand, should the Arbitrator decide the above recited points against the contention of Ecuador, he shall, after a careful examination of the evidence touching the injuries and losses to the person and property of the said Santos, which shall have been laid before him concerning the arrest and imprisonment of said Santos, and other acts of the authorities of Ecuador towards him, during the years 1884 and 1885, award such damages for said injuries and losses as may be just and equitable; which shall be certified to the two Governments and shall be final and conclusive.

Article V.

1. Both Governments agree to treat the decisions of the Arbitrator and his award as final and conclusive.

2. Should a pecuniary indemnity be awarded, it shall be specified in the gold coin of the United States, and shall be paid to the Government thereof within sixty days after the beginning of the first session of the Congress of Ecuador, held subsequent to the rendition of the award, and the said award shall bear interest at six per centum from the date of its rendition.

3. The Government of Ecuador, however, reserves the right to pay, before the expiration of the above stated time, the whole amount to the Government of the United States, with interest at six per centum from the date of the announcement of the award till the date of the payment thereof.

ARTICLE VI.

1. Each Government shall pay its own agent and counsel, if any, for the expenses of preparing and submitting its case to the Arbitrator.

2. All other expenses, including reasonable compensation to the Secretary, if any, of the Arbitrator, shall be paid upon the certificates of the Arbitrator, by the two Governments in equal moieties.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof; by the Congress of Ecuador and by the President thereof; and the ratifications exchanged at Washington as soon as possible.

In faith whereof, the Plenipotentiaries have signed and sealed this Convention in duplicate, in the City of Quito, this twenty eighth day of February, in the year of our Lord one thousand eight hundred and ninety three.

[SEAL.] ROWLAND BLENNERHASSETT MAHANY
[SEAL.] HONORATO VAZQUEZ

The claim referred to in the foregoing treaty was duly submitted to an arbitrator, who awarded $40,000 in favor of the claimant.

EGYPT.

1884.

Commercial Agreement and Customs Regulations.

Concluded at Cairo November 16, 1884; ratification advised by the Senate March 18, 1885; ratified by the President May 7, 1885; proclaimed May 7, 1885.

The Undersigned, N. D. Comanos, Vice-Consul-General of the United States of America in Egypt, and His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs and of Justice of the Government of His Highness the Khedive of Egypt, duly authorized by their respective Governments, have held a conference this day on the subject of a Commercial Convention to be concluded between the Egyptian Government and the Foreign Powers, and have agreed to the following:

The Government of the United States of America consents that the Regulations of the Egyptian customs applicable, in virtue of a Commercial and Customs Convention concluded on the 3rd of March, 1884, between the Hellenic Government and the Egyptian Government to the Hellenic subjects, vessels, commerce and navigation, may also be applied to the citizens of the United States, vessels, commerce and navigation.

Every right, privilege or immunity that the Egyptian Government now grants, or that it may grant in future, to the subjects or citizens, vessels, commerce and navigation of whatsoever other foreign power, shall be granted to citizens of the United States, vessels, commerce and navigation, who shall have the right to enjoy the same.

The present agreement shall become operative immediately upon the consent of the Senate of the United States being given to the same.

In testimony whereof, the undersigned have signed the present act and have affixed their seals.

Done in Cairo, the sixteenth day of November Eighteen hundred and eighty-four.

N. D. Comanos. [seal.]
N. Nubar. [seal.]

A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS.

Articles.

I. Most favored nation clause.
II. Prohibitions.
III. Importations into Egypt.
IV. Egyptian customs duties.
V. Goods excluded.
VI. Firearms.
VII. Reexportations.
VIII. Drawbacks on reexported goods.
IX. Egyptian export duties.
X. Effects of consular officers.
XI. Shipping regulations.
XII. Customs declarations.
XIII. Customs officials.
XIV. Fines and confiscations.
XV. Administrative regulations.
XVI. Duration.
Additional article.—Taking effect of modified tariff.

[*The following is a translation of the printed official French version of the Convention between the Hellenic Government and the Egyptian Government concluded March 3, 1884, the provisions of which have been made applicable to the United States by the foregoing Agreement.*]

A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS.

His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs of His Highness the Khedive, and Mr. Anasthasius Byzantios, Diplomatic Agent and Consul-General of Greece, having been duly authorized by their respective Governments, have agreed upon the following:

Article I.

Greek commerce in Egypt and Egyptian commerce in Greece shall be treated, as regards customs duties, both when goods are imported and exported, as the commerce of the most favored nation.

Article II.

No prohibitory measure shall be adopted in respect to the reciprocal import or export trade of the two countries, without being likewise extended to all other nations. It is nevertheless understood that this restriction shall not apply to such special measures as may be adopted by either country for the purpose of protecting itself against epizooty, phylloxera or any other scourge.

Article III.

The Egyptian Government pledges itself, with the exceptions mentioned in article VI. hereinafter, not to prohibit the importation into Egypt of any article, the product of the soil and industry of Greece, from whatever place such article may come.

Article IV.

The duties to be levied in Egypt on the productions of the soil and industry of Greece, from whatever place they may come, shall be regulated by a tariff which shall be prepared by commissioners appointed for this purpose by the two Governments.

A fixed duty of 8 per cent. ad valorem shall be taken as the basis of this tariff, the said duty to be computed on the price of the goods in the port of discharge; the Egyptian Government, however, reserves the privilege of raising the duties on distilled beverages, wines and fancy articles; but these duties shall, in no case, exceed the rate of 16 per cent. ad valorem.

The Egyptian Government likewise reserves the right to reduce the duties on articles of prime necessity that are imported into Egypt, to 5 per cent., and even to abolish them entirely.

Customs duties shall be collected without prejudice to the penalties provided, in cases of fraud and smuggling, by the regulations.

ARTICLE V.

Tobacco, in all its forms, and tombac, together with salt, natron, hashish and saltpeter are excluded from the stipulations of this convention.

The Egyptian Government retains an absolute right in respect to these articles, the régime of which shall be applicable to Greek subjects on the same terms as to its own subjects.

The Egyptian Government may institute, in warehouses or dwellings, any immediate search that it may deem necessary. A duplicate of the order of search shall be sent to the Greek consular officer, who may repair to the spot at once, if he think proper, although that formality shall not delay the search.

ARTICLE VI.

By way of exception to the stipulations of article III., the importation into Egypt of arms used in war (including fire-arms and side-arms) and munitions of war shall not be permitted.

The above restriction does not apply to weapons used in hunting or for ornament or amusement, nor does it apply to gunpowder used in hunting; the importation of these articles shall form the subject of special regulations to be adopted by the Egyptian Government.

ARTICLE VII.

Goods imported into Egypt and re-exported within a period not exceeding six months, shall be considered as goods in transit, and shall pay, as such, only a transit duty of one per cent., computed on their value in the port of discharge. After such period of six months, they shall be subject to the full import duty.

If the re-exportation takes place from the port of discharge, after a simple transshipment, or after the goods have been discharged and kept on land, under surveillance, as provided by the customs regulations, for a period not exceeding one month, such goods shall be liable to no duty; but the transit duty shall be payable, if, after having been discharged and temporarily deposited, either in the warehouses of the custom-house, or in private warehouses, whether floating or not, the goods are reëxported, after having been the object of a commercial operation.

ARTICLE VIII.

If goods, after the import duty has been levied upon them in Egypt, are sent to other countries before the expiration of the term of six months from the day of their discharge, they shall be treated as goods in transit, and the Egyptian custom-house shall return to the exporter the difference between the duty paid and the transit duty mentioned in article VII.

In order to obtain the drawback, the exporter must furnish proof that the import duty has been paid on the re-exported goods.

ARTICLE IX.

The productions of the soil and industry of Egypt when sent to Greece, shall pay an export duty of one per cent. ad valorem, computed on the value of the goods in the port of exportation.

For greater facility, these productions shall, as far as possible, be periodically tariffed, by mutual agreement, by the representatives of the merchants engaged in the export trade and the Egyptian customs authorities.

ARTICLE X.

Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business, not performing other duties, not engaged in commercial or manufacturing business, and not owning or controlling real estate in Egypt, shall be exempt from any examination, both when imported and exported, and likewise from the payment of duties.

ARTICLE XI.

Within thirty-six hours at most after the arrival of a vessel in an Egyptian roadstead or port, the captain or the agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. In like manner, captains shall, before their departure from an Egyptian port, present at the custom-house a copy of the manifest of the goods on board of their vessels. The original manifest, either on arrival or departure, shall be presented at the same time with the copies, in order to be compared with them.

If a vessel stops in an Egyptian port for a reason that appears suspicious to the custom-house, the latter may require the presentation of the manifest, and may immediately make any search that it may deem necessary; the order of search shall, in that case, be addressed to the Greek consular officer, as provided in article V.

Any surplus or deficit that may be shown by the comparison of the manifest with the cargo shall furnish ground for the imposition of the fines provided for by the customs regulations which shall be issued by the Egyptian Government.

ARTICLE XII.

Any custom-house operation in Egypt, either on arrival or departure, must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house may, moreover, in case of dispute, require the presentation of all the documents that are to accompany any shipment of goods, such as invoices, letters, etc.

Any refusal to make the declaration on arrival or departure, any delay in making the said declaration, or any excess or deficiency found to exist between the goods and the declaration shall furnish ground for the imposition of the fines provided for by the Egyptian custom-house regulations, in each of the cases specified.

ARTICLE XIII.

The custom-house officers, the officers of the vessels belonging to the Egyptian postal-service, and the officers of national vessels, may board any sailing or steam-vessel of less than two hundred tons' burden, be

that vessel at anchor or tacking, at a distance not exceeding ten kilometers from the shore, without furnishing evidence of *vis major;* they may ascertain the nature of the cargo, seize any prohibited goods, and secure evidence of any other infraction of the customs regulations.

ARTICLE XIV.

Any illicit importation of goods shall furnish ground for the confiscations and fines provided for by the Egyptian customs regulations.

Decisions ordering confiscations and fines shall be communicated, within the period fixed by law, to the Greek consular officer.

ARTICLE XV.

It is understood that this convention can in no wise impair the administrative rights of the two contracting Governments, and that they may enforce any regulations calculated to promote the efficiency of the service and the repression of fraud.

ARTICLE XVI.

The present convention shall be operative for seven years from the twentieth day of March, one thousand eight hundred and eighty-four.

At the expiration of that period, the present convention shall remain in force during the year following, and so on from year to year, until one of the contracting parties shall notify the other of its desire for the cessation of its effects, or until the conclusion of another convention.

ADDITIONAL ARTICLE.

The effect of the modifications in the present tariff which are provided for in article IV., shall be suspended until those modifications have been adopted by the other powers interested.

In testimony whereof, the undersigned have signed the present convention.

Done in duplicate at Cairo this third day of March, one thousand eight hundred and eighty-four.

N. NUBAR.
AN. BYZANTIOS.

[Translation of a printed official French version of the customs regulations of Egypt, of April 2, 1884.]

[Office of the director-general of Egyptian custom-houses.]

CUSTOMS REGULATIONS.

TITLE I.

GENERAL PROVISIONS.

ARTICLE I.

Customs Boundary.

The shore of the sea, and the frontiers touching the territories of the neighboring States, shall form the customs boundary.

ARTICLE II.

Zone of Surveillance.

The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometers from the land frontier or from the sea shore, and likewise from both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

For vessels, the zone of surveillance shall extend to a distance of ten kilometers from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the custom-house officers.

ARTICLE III.

Passage across the customs boundary.

Goods cannot cross the customs boundary during the night, that is to say between the setting and rising of the sun.

Throughout the extent of the maritime coast-line, it shall be allowable to enter ports and to come near the shore during the night, in localities where there are custom-houses, but no discharge, transshipment or shipment shall be made without a special authorization, in writing, from the Collector of Customs.

ARTICLE IV.

No shipment, discharge or transshipment of goods shall take place without the previous authorization of the custom-house, or when no custom-house officers are present.

Any shipment, discharge or transshipment shall take place at the points specially set apart for that purpose by the customs authorities.

Captains are forbidden to receive new goods on board of their vessels, before having fully complied with the customs formalities relative to goods brought, unless they have received, in writing, the authorization of the Collector of Customs.

The latter may permit, by way of exception, the discharge or transshipment of goods to take place in the absence of the custom-house officers.

In this case, he shall mention the fact in a note on the copy of the manifest.

ARTICLE V.

Of the permit to sail, otherwise known as the Tamkin.

Captains, before their departure, must present at the custom-house the manifest of the goods on board of their vessels. Not until after this requirement has been complied with shall the custom-house authorize the port authorities to issue the *tamkin*.

The custom-house shall be at liberty to cause a *tamkin* to be issued, even before the presentation of the manifest, to vessels represented by an agent in the port of departure, provided that such agent has deposited at the custom-house a written pledge to comply with this requirement within three days.

Steam navigation companies may, with a view to enjoying this privilege, become responsible, once for all and by means of a notarial instrument, for any infractions that may be committed by captains having charge of their vessels.

Article VI.

Declarations.

All custom-house operations must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house shall consider the person holding the transportation company's order of delivery as the legitimate representative of the owner. (See Articles XIX. and XX.)

Article VII.

Search.

As soon as the declaration has been presented at the custom-house, the goods shall be examined. The custom-house shall have the right to examine all packages, but the Collector may, according to circumstances, if he think proper, exempt from examination those packages whose declared contents may not appear to him to be proper subjects for examination.

Less than one package in ten shall not be examined.

If, after one examination, and even after the payment of the duties, any further examinations are deemed necessary, the custom-house shall always have the right to order them to be held.

The packages shall be opened for examination by the superior officers of the custom-house, in presence of the interested parties; the operation shall take place either in the warehouses of the custom-house, or in its offices.

In case of suspicion of fraud, the custom-house shall, even in the absence of the interested party, proceed to open the packages, drawing up a report thereof.

Goods not warehoused, either on account of their dimensions or of their cumbersome character, may be examined outside.

Bags, letters and printed documents brought by the mails, either by land or sea, shall be exempt from examination, provided they are entered upon a regular way-bill.

On the other hand, all postal packages shall be subjected to examination; when there is no suspicion of fraud, this examination shall be merely a summary one, and shall be necessary only in the case of a certain number of packages to be designated by the Collector of Customs.

Article VIII.

Duties to be collected, privilege, and security of the Treasury.

Import, export and transit duties shall be collected in accordance with existing treaties and conventions.

Charges, moreover, shall be made for storage, warehousing, and porterage; for wharfage, cranes, locks, tamkins, sealing of packages, *raftiehs*, *keshfs*, declarations, measuring, etc., according to special regulations.

Payment of duties shall be made in cash, in gold or silver coin according to the tariff of the Government.

No goods shall be delivered until the duties to which they are liable shall have been duly paid.

Goods received at the custom-house, no matter what is their destination, shall serve as security to the customs authorities, by way of privilege, for the payment of the duties, charges and fines of all kinds, due from the person to whom the goods are addressed, on account of those goods or other arrivals.

Article IX.

Exemption from Duties.

The following articles shall be exempt from examination and from the payment of import and export duties:

1. Articles and personal effects belonging to His Highness the Khedive.

2. Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business.

Effects and articles belonging to religious establishments of the various religious denominations, to convents, and charitable or educational institutions, shall be exempt from import and export duties, but shall be subject to search and examination.

These establishments shall, at the beginning of each year, send to the custom-house, through their own, or some other consular officer, a list containing an approximate statement of the articles which they intend to import in the course of the year, and of the value of those articles.

The exemption shall be suspended until the following year when the total value stated in that list shall have been reached.

This exemption is an act of pure favor on the part of the Egyptian Government; it may be refused if the custom-house finds that it is abused.

The following articles shall likewise be exempt from import and export duties, but shall be subject to examination and search:

1. Effects, household furniture, books and other articles for private use, belonging to persons who come to settle for the first time in the country. These articles shall, however, bear marks of having been used, under penalty of being subjected to the payment of the duties required by the regulations. In cases of dispute, experts shall decide.

2. Personal effects brought by travelers and intended for their use.

3. Samples, when not of a nature to be sold as merchandise.
4. Samples of the productions of the soil of Egypt whose value does not exceed one hundred piasters.
5. Specie (gold or silver).
6. Gold or silver in bars.
7. Merchandise belonging to the Departments of the Government and to private citizens, which are exempt from the payment of duties, either in virtue of special orders or of conventions.
8. Articles to be used as provisions by vessels of war belonging to friendly powers, and also provisions and munitions intended for the use of merchant vessels and their crews.

All applications for free importation or exportation must be addressed to the custom-house and the following particulars must be stated: 1. The nature of the articles. 2. Their value. 3. Their marks and numbers. 4. The name of the vessel which has imported or which is to export them.

The granting of exemption from duty shall be subordinate to the condition that the name of the party for whom the goods are intended be mentioned in the bill of lading as the consignee; if the name of a third party is mentioned as such, or if the goods are simply consigned to order, the custom-house cannot grant the exemption.

An application for exemption must be signed by the party for whom the goods are intended, or by the sender if exemption from the payment of export duties is applied for.

Article X.

Goods taken from wrecked vessels.

Goods from wrecked vessels shall be subjected to no duty if they are not intended for an Egyptian port, and they may be re-exported without payment of duties as soon as the formalities concerning the wreck have been complied with.

Article XI.

Permits to leave the custom-house and keshfs.

After the custom-house formalities have been complied with and the duties paid, a permit to leave the custom-house shall be delivered to the broker who is to remove the goods from the custom-house.

At the request of the importer, and on presentation of the receipt of the cashier of the custom-house, an accurate list, or *keshf*, of the goods on which duty has been paid, shall be delivered to the interested party.

The presentation of the *keshf* shall be indispensable for the free exportation of goods of foreign origin, and for the establishment of the right to the restitution of the difference between the import and the transit duties, if the re-exportation takes place within six months from the date of the removal of the goods, which date will be shown by the *keshf*.

The custom-house shall deliver no *keshf* for goods of a perishable character.

A *keshf* shall be delivered but once, and in case of its loss, it cannot be replaced.

Article XII.

Importation of productions of Egyptian origin and exportation of productions of foreign origin.

If a production of the country, after having been exported to a foreign country, is brought back to Egypt, it shall be liable to the payment of the import duty, established on foreign productions.

In like manner, if a production of foreign origin be re-exported, it shall be subject to the export duty which is established on productions of the country, unless it be accompanied by a *keshf* clearly establishing its identity and the date when the import duty on it was paid; in the latter case, it shall be exported duty-free.

If such exportation takes place within less than six months, the restitution of the difference between the import duty and the transit duty may be claimed. In either case, however, the presentation of the *keshf* shall be indispensable, as provided in article XI.

Article XIII.

Removal of Goods from the Custom-House and Authorized Custom-House Brokers.

Goods may be removed from the custom-house after the formalities have been complied with by the party holding an order for their delivery, issued by the captain or consignee of the vessel, or by the navigation company.

Nevertheless, professional custom-house brokers shall not be allowed to remove goods arriving for the account of third parties, unless they fulfill the following conditions:

1. No custom-house broker shall carry on his business without having been authorized to do so by the custom-house authorities.

2. An application for authorization shall be made in writing, and shall be accompanied by a certificate attesting the good character of the applicant, the said certificate to be signed by two prominent merchants of well known respectability.

3. If the certificate is deemed sufficient, the authorization shall be granted, and a card of admission shall be delivered to the applicant.

4. If the recommendation is deemed insufficient, the customs authorities may require the candidate to deposit from 2,000 to 10,000 piasters, or to furnish security given by two merchants whose names are acceptable to the authorities.

5. The deposit or security shall guaranty to the customs authorities the payment of any fines that may be imposed upon the broker by reasons of infractions of which he may be found guilty.

6. Any custom-house broker may be suspended from his functions by the Director General of custom-houses, for a determined period, according to the gravity of the offence or irregularity committed, and that without prejudice to the payment of the penalties incurred. For the first time, the penalty shall not exceed six months. It may be for one year if the offence is repeated. The interested party shall be notified, in writing, of such punitory measure, and the notice sent him shall contain a statement of the reasons for the adoption of such measure.

7. Persons permanently employed by third parties shall be liable to the same fines and penalties as professional custom-house brokers.

Title II.

IMPORTATION AND TRANSPORTATION OF GOODS FROM ONE CUSTOM-HOUSE TO ANOTHER.

Article XIV.

Presentation of goods at Frontier Custom-Houses.

Goods to be imported by land must be presented at the custom-house nearest to the frontier.

If the custom-house is inside of the line, the goods must come by the usual route, without any deviation.

If the nearest custom-house cannot receive them, they shall be taken to the nearest custom-house that can receive them, but the parties having them in charge shall provide themselves, at the first custom-house, with a certificate stating that they have presented themselves there, and have subjected their goods to a summary examination.

If the nearest custom-house is not more than ten kilometers distant, the goods shall be escorted by custom-house officers.

Article XV.

Manifest of Cargo.

In thirty-six hours after the arrival of a vessel in an Egyptian roadstead or port, the captain or agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. The original manifest must be presented at the same time, in order that it may be compared with the copies.

The presentation of the manifest may be required, no matter what be the reason of the vessel's putting into port, and no matter how long she may remain there.

If the vessel is from an Egyptian port, the manifest of cargo must be accompanied by the clearance from that port, unless the vessel has been exempted from procuring that document according to Article V.

If the Collector of Customs doubts the agreement of the statements made in the manifest with the cargo, the captain must give all the explanations and produce all the papers that may be deemed necessary.

The storekeeper of the custom-house, after the discharge of the goods destined for the port of arrival, shall receipt therefor on the copy of the manifest. This copy shall afterwards be delivered to the interested party.

If the entire cargo is intended for another port, the custom-house shall simply place its *visé* on the copy of the manifest.

Vessels whose cargo is intended for another port, or which arrive in ballast, shall not remain in the port of arrival, except for some reason

over which they have no control, for more than three weeks. During their entire stay they shall be under the surveillance of the custom-house.

If these vessels desire to prolong their stay in the port on account of repairs, damages, adverse winds, lack of freight, etc., they shall not be allowed to do so unless by special authorization from the custom-house. Such authorization shall not be granted unless the reasons stated appear to be valid.

In default of authorization, the vessel must leave the port without delay, and before its departure it shall be subject to search by the custom-house officers.

If a vessel stops in a port for a reason that appears suspicious to the custom-house, the latter may require the immediate presentation of the manifest, and may make any search that it may think proper.

Article XVI.

Manifest of Importation.

In the manifest the following particulars must be stated:

The name of the vessel.

The port whence she hails and those where she has called during her voyage.

A succinct statement of the various kinds of goods of which the cargo is composed.

The number and nature of the packages.

Their marks and numbers.

The total number of packages must be repeated in full.

The manifest and the two copies must be written without corrections, erasures or alterations.

In case any of the above requirements has not been complied with, the manifest shall be returned and considered as not having been presented.

Article XVII.

Discharge of Cargo.

A custom-house officer shall mark on one of the copies of the manifest, in presence of the captain of the vessel or his representative, the packages and goods discharged.

Goods shall be taken to the custom-house for examination and registry.

That portion of the cargo which is to be conveyed to another destination shall remain on board, and its departure shall be legitimized when the vessel sails, by means of a permit issued by the custom-house to the captain.

The custom-house shall have the right to place guards on board of any vessel, and to take such measures as it may think proper for the prevention of any unauthorized shipment, discharge or transshipment.

If the quantity of goods or the number of packages discharged is less than the quantity or number stated in the manifest, the captain or his representative shall be required to furnish a satisfactory

explanation of the discrepancy. If the missing goods or packages have not been shipped, if they have not been discharged, or if they have been discharged at a place other than that of their original destination, this must be shown by means of authentic documents establishing the fact.

If the goods or packages mentioned in the manifest are not found, and if their value is claimed by the shipper or the party to whom they were sent, the captain or his representative shall be required to furnish proof that they have paid such value.

If the explanations required by this article cannot be given within twenty-four hours, the captain or his representative shall be required to furnish security or to deposit the amount of the fine provided for in article XXXVIII.; in this case, a delay not exceeding four months may be granted to him in order to enable him to furnish such explanations.

Article XVIII.

Declarations.

The declaration required by article VI shall be presented at the custom-house within eight days after the discharge of the cargo.

That time having expired, a storage duty (*ardieh*) shall be collected on the goods, in accordance with the special regulations on this subject.

The custom-house may require the exhibition of all papers that properly accompany a shipment of goods, such as invoices, insurance policy, correspondence, etc.

When the owner of any goods requests it, he may be authorized to examine the contents of packages received for his account before preparing a declaration thereof.

After the declaration has been presented, it cannot be modified without a valid excuse, or without an authorization, in writing, from the Collector of Customs.

A permit to open packages for the purpose of examining their contents is given by the Collector of Customs, or by the Inspector in chief, who designates the officer who is to be present at the examination.

Article XIX.

Form of a Declaration.

Declarations shall be made in writing according to forms printed by the custom-house.

They shall state:

1. The christian name, surname, nationality and domicile of the declarer.

2. The places where the goods are from, their origin and destination, together with the name of the vessel which has transported them, or which is to transport them.

3. The kind of goods, their number, nature, marks, and the numbers marked on the packages.

4. The value of the goods.

If the value is not known to the declarer, the custom-house shall cause the same to be estimated by its appraisers.

Article XX.

Consequences of a Failure to present the Manifest or Declaration.

A refusal to exhibit the manifest or other necessary papers, or any delay in so doing, shall give the custom-house the right to have the goods discharged at the expense and risk of the captain or owners, and to keep the goods in the warehouses of the custom-house.

A refusal to present the declaration, or any delay in so doing, or a refusal to withdraw the goods within the space of six months from the day on which they were placed in the custom-house, shall give the customs authorities the right to sell them, in due form, at public auction, by giving a single notice to the owner, either directly, or by means of an advertisement inserted in a newspaper published in the nearest city or town.

Perishable goods, such as liquids, fruits, etc., cannot remain in the custom-house any longer than their condition allows them to be kept. If they are not then withdrawn, the custom-house shall cause a statement to be drawn up of the failure to remove them in time, and shall sell them, without being obliged to summon the owner.

The opening and sale of abandoned packages shall take place, in case of the absence of the interested parties, in the presence of the representatives of the consular or native authorities, according to the nationality of the interested party.

If, after having been summoned, the representatives of said authorities fail to appear, a statement of such failure shall be prepared, and the goods shall be sold.

The proceeds of the sales, after customs duties, storage, fines and all other charges have been deducted, shall remain on deposit among the funds of the Customs Department and at the disposal of the owner.

If said deposit is not claimed within three years, it shall be forfeited to the Customs Department.

Until the sale has actually been consummated, the owner of the goods may withdraw them by paying the duties and all other charges, including those for auction and brokerage, if there are any.

Article XXI.

Shipments of Foreign Goods from one Custom-House to another.

Packages of foreign goods which are to be sent from one custom-house to another before the duties have been paid, cannot be removed until after a declaration has been made.

A detailed declaration is not necessary unless the packing of the goods is defective; such declaration may refer simply to the value of the goods if they have been properly packed.

The packages must be accompanied by an *elm-khaber;* they must, moreover, be placed under the guaranty of the seal of the custom-house. Packages whose value is less than thirty piasters, and goods which, owing to their nature, cannot be sealed, shall be exempted from sealing.

In case of transportation by rail, the shipment shall take place under the supervision of the custom-house, which shall take out the

bills of lading and send them to the customs authorities of the place of destination.

The custom-house shall send the *elm-khaber* to the owner of the packages for inspection on their arrival.

If the shipment takes place by any other land conveyance, the owner shall deposit the import duties, or give security for the amount of those duties.

Goods of foreign origin, on which the duties have already been paid, and which shall be exported by sea to another Egyptian port, shall be subjected to no additional duty.

The custom-house of the port from which the goods are shipped shall simply require the consumption duties to be deposited; these shall be refunded to the interested party on presentation of a certificate from the custom-house to which the goods are sent, showing that they have arrived.

Article XXII.

Discharge of the Elm-Khaber.

On the arrival of the goods at the custom-house to which they have been sent, the party to whom they have been sent must, within seven days, declare their final destination, unless it is already stated in the *elm-khaber*, or he must withdraw the goods paying the duties thereon. If the goods are allowed to remain at the custom-house after the expiration of the time above specified, they shall be liable to the ardieh duty.

On the arrival of the goods, their identity shall be verified; if they are found to be in accordance with the statements made in the *elm-khaber*, a certificate of discharge shall be delivered to the party to whom they are sent; if, on the other hand, the examination shows any differences, and if the packages bear marks of having been tampered with on the way, the certificate shall be refused, or shall be given for such part of the goods only as may be found to accord with the statements made in the *elm-khaber*. A report shall be prepared stating the condition of the goods at the time of the examination.

A certificate of discharge may be delivered for such packages as were not subjected, when shipped, to a thorough examination, but which, having been found to be well packed, were simply sealed; this may be done, when they are found, on their arrival, to be intact, and to bear no marks of any alteration.

The return of the certificate of discharge to the custom-house whence the shipment took place shall entitle the party to whom it was issued to have his deposit refunded, or his security shall be released in consequence thereof.

Article XXIII.

Exportation of Egyptian Goods from one Custom-House to another.

Native goods, that is to say productions of the soil or industry of Egypt, that shall be conveyed by sea to another Egyptian port, shall be subject to the following rules:

1. If these goods are to be sent to a maritime town which is subject to town-dues, and which has no custom-house, the shippers must de-

posit at the custom-house whence the shipment takes place a duty of eight per centum until a certificate shall have been presented showing that these productions have duly reached their destination.

2. If these goods are to be sent to a city not subject to town-dues, they must pay, when forwarded, a duty of eight per centum, which shall not be refunded.

In the former case the goods are to be accompanied by an *elm-khaber;* in the latter they are to be accompanied by a *raftieh.*

The *elm-khaber* shall be discharged on the arrival of the goods, in the manner provided in the foregoing article.

Title III:

of transit.

Article XXIV.

Goods in Transit.

Goods that are to cross the territory shall be subject, as regards the written declaration and the examination, to the rules established for the entry of foreign goods subject to custom duties, and as regards shipment or forwarding, to the rules established for the transportation of goods from one custom-house to another.

After the examination of the goods in transit, an *elm-khaber* shall be delivered to the owner or shipper on payment of the transit duty established by the treaties and conventions, and on his depositing or furnishing security for a sum equal to the amount of the difference between the transit duty and the import duty.

The custom-house shall state, in the *elm-khaber*, the time when the goods must be presented at the shipping office. This time may be fixed at ten days at least, and at six months at most, according to the distance that the goods may have to go.

Packages in transit shall be subject to sealing.

Article XXV.

Discharge of the Transit Elm-Khaber.

When the identity of the goods shipped in transit has been ascertained and they have been sent, the *elm-khaber* shall be viséed by the custom-house whence the goods are shipped.

The presentation at the aforesaid custom-house of the viséed *elm-khaber* shall entitle the party who has made the deposit to the return thereof, or to the release of the security furnished by him.

If, at the expiration of the time fixed by the *elm-khaber*, the discharge is not presented at the custom-house whence the goods were shipped the latter shall be considered as having been placed in the market, and the amount of the deposit shall be forfeited to the custom-house. If any security has been furnished, the Customs Department shall hold the party who furnished it to the payment of the duty guarantied.

In case of the loss, duly proved, of the transit *elm-khaber* after having been viséed by the custom-house whence the goods were shipped,

that custom-house shall be obliged to issue a certificate to take the place of the *elm-khaber*.

In case of the total loss of the goods, duly proved, there shall be ground for the restitution of the sum deposited as security.

Title IV.

CONCERNING EXPORTATION.

Article XXVI.

Manifest.

The manifest of exportation shall be presented at the custom-house of the port of departure according to the rules established in article V.

Article XXVII.

Declaration.

Goods intended for exportation must be declared. The declaration shall take place according to the rules established in Articles XVIII. and XIX.

The custom-house, after having examined the goods and collected the export duties, shall deliver, together with the receipt for said duties, a permit for shipment which shall be exhibited to the officer on guard in the port of exportation.

The duties shall not be refunded, even if the exportation does not take place.

Goods brought to the custom-house for exportation shall be subject to no *ardieh* duty during twenty-four hours: at the expiration of that time, they shall be subject to that duty, unless it has been impossible to ship them by reason of bad weather, or lack of means of transportation, etc.

Exemption from the payment of *ardieh* duties on acount of *vis major*, shall, however, only be granted in the case of goods on which export duties have previously been paid.

Title V.

CONCERNING CIRCULATION AND THE COAST TRADE.

Article XXVIII.

Shipping of Egyptian Goods.

Egyptian goods that are sent by sea from one place to another in the territory shall retain their nationality provided that they have touched no foreign territory.

If a vessel engaged in the coast trade shall touch, owing to *vis major*, in a foreign port, the goods shall not lose their nationality for that reason.

Article XXIX.

Seals to be affixed to packages.

Packages conveyed by vessels engaged in the coastwise trade must be sealed if the custom-house requires it.

Title VI.

PROVISIONS RELATIVE TO SURVEILLANCE.

Article XXX.

Prohibition to put in where there is no custom-house.

All vessels, no matter what may be their tonnage, are hereby forbidden, except in case of *vis major*, to put in at any point where there is no custom-house.

Article XXXI.

Surveillance in the Suez Ship-Canal and at the Mouths of the Nile.

In the Suez Ship-Canal and in the lakes which it crosses, as well as at the mouths of the Nile, it is forbidden to land or to communicate with the shore so as to be able to take in or discharge cargo without being observed by the custom-house officers, except in case of *vis major*.

It shall be the duty of the custom-house officers to stop and search any sailing vessel that may appear suspicious, and to take it to the nearest custom-house, making a report of their proceedings.

Article XXXII.

Surveillance at Sea.

Custom-house officers may, within a radius of ten kilometers from the shore, board vessels of less than two hundred tons' burden, and demand the presentation of the manifest and other papers relating to the cargo.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom-house, drawing up a report of their proceedings.

If any vessel of less than two hundred tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a manifest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom-house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal-service, and the officers of national vessels may board any sailing or steam vessel of less than two hundred tons' burden that has cast anchor or that is found tacking within ten kilometers from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity thereof, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*.

If the officers of the custom-house, those of the vessels engaged in the Egyptian postal-service or those of national vessels give chase to a vessel of less than two hundred tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometers.

For vessels of more than two hundred tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to transship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom-house, drawing up a report of the infraction committed by it.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

Title VII.

concerning smuggling.

Article XXXIII.

After any seizure for smuggling, the Collector of Customs and three or four of the principal custom-house officers, shall resolve themselves into a custom-house commission, and, after having investigated the case, they shall decide whether there is ground for confiscation and for the imposition of a fine.

The goods may be confiscated, as well as all means of transportation and all instruments used in smuggling.

A fine may be imposed, whatever be the nature of the goods seized; it shall be equal to double the amount of the import duty; and, in case of a repetition of the offence, it may be increased to four times, and afterwards to six times that amount.

The decision of the custom-house commission shall mention the date of the seizure, the circumstances under which it took place, the names and rank of the seizors, the witnesses and the accused, the kind and quantity of the goods, and the grounds for the decision reached.

A copy of this decision, signed by the Collector or some person deputed to do so by him, shall, on the day on which it is made or the

day following, be sent directly by the custom-house to the consular or native officer under whose jurisdiction the accused is.

In default of objection made by the accused and communicated to the custom-house within fifteen days from the date of the delivery of the copy to the officer aforesaid, this decision shall become final, and no appeal therefrom shall be admissible.

If the accused thinks proper to object, his objection shall be laid before the commercial court having jurisdiction in the case.

The decisions of the custom-house commission shall be received as evidence until the statements therein made shall be charged with falsity.

The reports made by custom-house officers shall be received as evidence until the contrary shall have been proved.

If the final judicial decision rendered relative to the objection declares the decision of the custom-house commission to be erroneous, the owner of the goods shall be entitled to an indemnity equal to the damage that he may have suffered in consequence of the seizure.

If the objection is set aside, the accused shall be liable to a fine equal to ten per cent. of the value of the articles seized.

An appeal cannot legally be taken unless the party shall have deposited the amount of the condemnations resulting from the judgment in first instance and the amount of the said fine of ten per centum.

The Customs Department shall always have power to compromise with the accused by reducing the penalty to a fine which shall be fixed according to circumstances, but which shall in no case be less than double the amount of the import duty.

Article XXXIV.

Penalties in cases of smuggling shall be applicable to the perpetrators, instigators, transporters and accomplices of the frauds and to the owners of the goods, jointly and severally.

Article XXXV.

In addition to ordinary cases of attempted smuggling, the following shall be considered as contraband, and shall be treated according to the above rules:

1. Foreign goods landed irregularly in ports or on coasts, having been taken out of their way or discharged before reaching the first custom-house.

2. Foreign goods attempted to be discharged or transshipped without having been manifested, or those found on board of vessels whose burden does not exceed fifteen tons, bound to an Egyptian port and having no manifest.

3. Foreign goods found in the Suez ship-canal and the lakes which it crosses, or in the mouths of the Nile, on board of vessels which put in to, or which are in communication with the shore, without the written authority of the Customs Department; or on board of vessels which run along the shore, cast anchor and put in where there is no custom-house.

Goods found as above shall, however, not be considered as contraband if proper evidence of *vis major* can be furnished.

4. Foreign goods found on the person, among baggage, in boats or carriages, or concealed in packages, articles of furniture or other goods, in such a manner as to furnish ground for the presumption of an intent to avoid the payment of duties thereon.

5. Foreign goods removed from the custom-house without a permit to do so.

6. Foreign goods deposited in the desert beyond the customs boundary, and in such a manner as to be suspicious.

7. Foreign goods re-exported by sea or shipped on board of vessels engaged in the coastwise trade, without a *raftieh*, when said vessels are of less than five tons' burden.

8. Foreign goods which, after the delivery of the *tamkin* at their departure, shall be loaded upon vessels, or, generally, all goods liable to the export duty that shall be exported or attempted to be exported without having been presented at the custom-house.

In this case the fine to be imposed in addition to the confiscation shall be equal to sixteen times the export duty, and may, in case of a repetition of the offense, be increased to double, and afterwards to sixfold that amount.

All goods prohibited by the Government, together with tobacco and tombac, sold on the coast or in the interior, in violation of the regulations, or found at any point without a *keshf*, *raftieh* or seal, shall likewise be considered as contraband, and shall be treated according to the same rules.

Title VIII.

CONCERNING INFRACTIONS.

Article XXXVI.

Infractions shall be punished by a fine that shall be collected, jointly and severally, from the perpetrators thereof, and from their instigators and accomplices, and also from the owners of the goods and captains of the vessels; the latter shall, moreover, be responsible for any infractions that may be committed by the crew.

The goods and vessels shall serve as a guarantee for the amount of the duties and fines, without prejudice to the provisions of article VIII., paragraph 5, or to any other action.

The fine may not be imposed if proper evidence is furnished of the existence of *vis major;* the evidence must, in this case, be duly furnished before the withdrawal of the goods or the departure of the vessels; the custom-house may even grant an extension of the time.

Article XXXVII.

Any infraction of the provisions of these regulations, or of any others that have been regularly adopted, when such infraction is not included in one of the cases hereinafter provided for, shall be punished by a fine, the amount of which shall be fixed by the Collector of customs. Such fine shall not be less than one-half the amount of the duty, or more than six times the same amount, and, in cases not pro-

vided for, and not connected with an importation or exportation of goods, the fine shall be from one hundred to five thousand Turkish piasters.

The collection of these fines shall be independent of the duties payable according to the treaties, laws and regulations.

Article XXXVIII.

If any differences in excess exist between the goods and the statements made in the manifest, the captain shall pay a fine which shall not be less than the amount of the duty, or more than three times the said amount for each package not mentioned in the manifest. If any of the packages in excess have the same marks and numbers as other packages mentioned in the manifest, those that are subject to the highest duty shall be considered as not manifested.

For each package mentioned in the manifest and not presented, there shall be collected, according to article XVII., a fine which, in addition to the duty (which shall be estimated according to the statements contained in the documents presented), shall not be less than one hundred or more than one thousand Turkish piasters.

The fine in the case of goods laden loosely according to the manifest, may be raised to five thousand Turkish piasters.

Nevertheless, discrepancies in excess not exceeding ten per cent., and deficiencies not exceeding five per cent. shall entail no fines.

Article XXXIX.

For any difference in quantity, value, weight or quality between the written declaration and the goods presented for examination, a fine shall be collected which shall not be less than one fifth of the amount of the duty, or more than the whole of that amount.

There shall be no ground for the imposition of any fine if the differences in quantity, weight or value do not exceed five per cent.

Article XL.

Captains of vessels shall be liable to a fine of from one thousand to ten thousand Turkish piasters, in the following cases:

1. If they shall refuse to produce the legal manifest of their cargo, or if they shall have no such manifest.
2. If they shall refuse to allow the custom-house officers to come on board.
3. If they shall sail or attempt to sail without permission from the cutsom-house.
4. If they shall violate any other provision of article XV.

Always without prejudice to cases of contraband.

The fine shall be from four hundred to two thousand Turkish piasters in the following cases:

1. In case the vessels are not moored in the places designated.
2. In case the discharge, lading and shipment of goods take place without the permission of the custom-house, or not in the presence of the custom-house officers.
3. In case of delay in the presentation of the manifest.

4. In case of a failure to present at the custom-house the *raftieh* or *elm-khaber*, which must accompany goods carried by vessels engaged in the coasting trade, or conveyed from one custom-house to another by sea.

5. In case of the shipment of goods without permission, before the operations connected with the discharge are finished.

Article XLI.

The fine shall be from one hundred to one thousand Turkish piasters in case the previous declaration provided for by articles VI., XVIII. and XXVII. of these regulations shall not have been made.

Article XLII.

The fine shall be from four hundred to four thousand Turkish piasters:

1. In case of an attempt to import or export goods otherwise than according to the rules prescribed, or during the night in the case of goods exempt from the import or export duty.

2. In case the goods sent to another custom-house, or in transit, shall arrive at the custom-house to which they were bound after the expiration of the period mentioned in the *raftieh* or *elm-khaber*, without proper justification of the delay.

3. In case packages that have been examined and shipped in transit, or that are bound to another custom-house, shall be tampered with on the outside.

4. In case of delay on the part of those who have furnished security in making the payments prescribed by article XXV., paragraph 3.

Title IX.

concerning searches.

Article XLIII.

In case fraud is suspected, officers may search the houses or stores of private individuals.

Such searches shall not, however, be made otherwise than in pursuance of a written order from the Collector of Customs, and in presence: 1. Of an officer whose rank is above that of Inspector, at least; 2. Of a representative of the Government, and, in cities in which Municipalities are established, of a representative of the municipal authority.

Searches must be made between the rising and setting of the sun.

A duplicate of the order directing a search shall be sent to the Consular officer interested, who may at once send a representative, if he thinks proper. The failure of that officer to do so, shall not, however, cause any delay in, or be any obstacle to the search.

The statement prepared by the custom-house officers must give the statements and observations of the person in whose house the search has been made, or in case of his absence, the statements and observations of his representatives or domestics.

The interested party, or, in his absence, his representatives or domestics, shall be requested to sign the statement.

ARTICLE XLIV.

Former provisions.

All provisions at variance with those contained in the foregoing regulations are hereby repealed.

The Egyptian Government may adopt, for the proper management of the service and for the repression of fraud, such other measures, similar to the foregoing, as may have been shown by experience to be desirable.

A. CAILLARD,
Director General of Custom-Houses.

Examined and approved:
MUSTAPHA FEHMY,
Minister of Finance.

CAIRO, *April 2d*, 1884.

Explanation of foreign terms employed in the Egyptian customs regulations.

Ardieh: Storage duty.
Elm-Klaber: A carefully prepared, detailed, and descriptive list.
Keshf: Invoice or list of goods.
Raftieh: Receipt for payment of customs duties.
Tamkin: Permit to sail.
Vis major: A condition entirely beyond the control of the person concerned.

ETHIOPIA.

1903.

Treaty to Regulate Commercial Relations.

Signed December 27, 1903; ratification advised by the Senate March 12, 1904; ratified by the President March 17, 1904; proclaimed September 30, 1904.

Articles.

I. Freedom to travel and transact business.
II. Security of persons and property.
III. Customs duties, imposts, jurisdiction.
IV. Use of means of transportation.
V. Representatives of Governments.
VI. Duration.
VII. Ratification.

His Majesty Menelik II, King of Kings of Ethiopia, and the United States of America, having agreed to regulate the commercial relations between the two countries and develop them, and render them more and more advantageous to the two contracting Powers:

His Majesty Menelik II, King of Kings of Ethiopia, in the name of the Empire, and Robert P. Skinner, in the name of the United States of America, have agreed and stipulated that which follows:

Article I.

The citizens of the two Powers, like the citizens of other countries, shall be able freely to travel and to transact business throughout the extent of the territories of the two contracting Powers, while respecting the usages and submitting themselves to the tribunals of the countries in which they may be located.

Article II.

In order to facilitate commercial relations, the two Governments shall assure, throughout the extent of their respective territories, the security of those engaged in business therein, and of their property.

Article III.

The two contracting Governments shall reciprocally grant to all citizens of the United States of America and to the citizens of Ethiopia, all the advantages which they shall accord to other Powers in respect to customs duties, imposts and jurisdiction.

ARTICLE IV.

Throughout the extent of the Ethiopian Empire, the citizens of the United States of America shall have the use of the telegraphs, posts and all other means of transportation upon the same terms as the citizens of other Powers.

ARTICLE V.

In order to perpetuate and strengthen the friendly relations which exists between Ethiopia and the United States of America, the two Governments agree to receive reciprocally, representatives acceptable to the two Governments. These representatives shall not however, be maintained at their posts, unless they are agreeable to the receiving Power, in such cases, they shall be replaced.

ARTICLE VI.

The duration of the present treaty shall be ten years. It is understood that at the expiration of these ten years the two Governments shall be able to modify all or any part of this treaty. The Government which shall request at that time the modification, shall make its proposal to the other Government one year before the expiration of the treaty.

ARTICLE VII.

The present treaty shall take effect if ratified by the Government of the United States, and if this ratification shall be notified to His Majesty Menelik II, King of Kings of Ethiopia, within the period of one year.

His Majesty Menelik II King of Kings of Ethiopia, in the name of his Empire; Robert P. Skinner in virtue of his full powers, in the name of the United States of America, have signed the present treaty, written in double text, Amharic and French, and in identical terms.

Done at Addis-Ababa, this seventeenth day of December, one thousand eight hundred and ninety-six in the year of grace (corresponding to December twenty-seventh, 1903).

[Seal of MENELIK II.]
(Signed) ROBERT P. SKINNER.

FRANCE.

1778.[a] [b]

Treaty of Amity and Commerce.

Concluded at Paris February 6, 1778; ratified by Congress May 4, 1778.

Articles.

I. Amity.
II. Most favored nation privileges.
III. Discrimination in duties in the United States.
IV. Discrimination in duties in France.
V. Particular exemption.
VI. Protection to vessels of the United States.
VII. Protection to vessels of France.
VIII. Treaties with Barbary Powers.
IX. Fisheries.
X. Fisheries on banks of Newfoundland.
XI. Droit d'aubaine.; disposition of estates.
XII. Nationality of vessels.
XIII. Contraband goods.
XIV. Enemy's flag not to protect goods of neutrals.
XV. Indemnity for injuries to vessels.
XVI. Captures by pirates.
XVII. Prizes.
XVIII. Shipwrecks.
XIX. Asylum to vessels.
XX. Reciprocal treatment of citizens in war.
XXI. Letters of marque.
XXII. Privateers.
XXIII. Privilege of neutrals to trade.
XXIV. Contraband goods.
XXV. Nationality of vessels.
XXVI. Treatment of vessels.
XXVII. Detention of vessels.
XXVIII. Visitation and search.
XXIX. Consuls.
XXX. Free ports.
XXXI. Ratification.

The Most Christian King, and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, willing to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, States, and subjects, His Most Christian Majesty and the said United States have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect

[a] By an act of Congress approved July 7, 1798, the treaties with France then in force were abrogated.

[b] Federal cases: Glass *v.* The Betsey (3 Dall., 6), Geyer *v.* Michel (3 Dall., 285), Moodie *v.* The Phoebe Anne (3 Dall., 319), Chirac *v.* Chirac (2 Wheat., 259), Carneal *v.* Banks (10 Wheat., 181), British Consul *v.* The Favorite (Bee's Adm. Rep., 39), Stannick *v.* The Friendship (Bee's Adm. Rep., 40), Salderondo *v.* The Nostra Signora del Camino (Bee's Adm. Rep., 43), Williamson *v.* The Betsey (Bee's Adm. Rep., 67), British Consul *v.* The Mermaid (Bee's Adm. Rep., 69), Bolchos *v.* Slaves (Bee's Adm. Rep., 74), Gray *v.* U. S. (21 Ct. Cls., 340), Hooper *v.* U. S. (22 Ct. Cls., 408), The Brig William (23 Ct. Cls., 201), The Venus (27 Ct. Cls., 116).

equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving, also, each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that His said Majesty having named and appointed for his Plenipotentiary, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, Secretary of His Majesty's Council of State; and the United States, on their part, having fully impowered Benjamin Franklin, Deputy from the State of Pennsylvania to the General Congress, and President of the Convention of said State, Silas Deane, late Deputy from the State of Connecticut, to the said Congress, and Arthur Lee, Councellor at Law; the said respective Plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

Article I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the Most Christian King, his heirs and successors, and the United States of America; and the subjects of the Most Christian King and of the said States; and between the countries, islands, cities and towns situate under the jurisdiction of the Most Christian King and of the said United States, and the people and inhabitants of every degree, without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the Most Christian King, his heirs and successors, and the said United States.

Article II.

The Most Christian King and the United States engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Article III.

The subjects of the Most Christian King shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States, or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade navigation and commerce, whether in passing from one port in the said States to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE IV.

The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of His Most Christian Majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE V.

In the above exemption is particularly comprised the imposition of 100 sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above-mentioned so long as other nations the most favoured shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people or inhabitants of the said United States, or any of them, being in his ports, havens or roads, or on the seas near to his countries, islands, cities or towns, and to recover and restore to the right owners, their agents or attornies, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of His Most Christian Majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels, as long as they hold the same course or go the same way, against all attacks, force and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

ARTICLE VII.

In like manner the said United States and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover and cause to be restored the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ARTICLE VIII.

The Most Christian King will employ his good offices and interposition with the King or Emperor of Morocco or Fez, the regencies

of Algier, Tunis, and Tripoli, or with any of them; and also with every other Prince, State or Power, of the coast of Barbary, in Africa, and the subjects of the said King, Emperor, States and Powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people and inhabitants, and their vessels and effects against all violence, insult, attacks or depredations on the part of the said Princes and States of Barbary, or their subjects.

ARTICLE IX.

The subjects, inhabitants, merchants, commanders of ships, masters and mariners of the States, provinces and dominions of each party respectively shall abstain and forbear to fish in all places possessed or which shall be possessed by the other party; the Most Christian King's subjects shall not fish in the havens, bays, creeks, roads, coasts or places which the said United States hold or shall hereafter hold; and in like manner the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the Most Christian King possesses or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated. It is, however, understood that the exclusion stipulated in the present article shall take place only so long and so far as the Most Christian King or the United States shall not in this respect have granted an exemption to some other nation.

ARTICLE X.

The United States, their citizens and inhabitants, shall never disturb the subjects of the Most Christian King in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht; nor in the rights relative to all and each of the isles which belong to His Most Christian Majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

(*a*) ARTICLE XI.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed *aubains* in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty,

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(*a*) The two articles following were originally agreed to, but afterwards rescinded, to wit:

ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the melasses that may be taken by the subjects of any of the United States from the islands of America which belong or may hereafter appertain to His Most Christian Majesty.

ARTICLE XII.

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded that there shall never be any duties imposed on the expor-

under what name soever. They may by testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogative of provinces, cities or private persons; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit detraction*, or other duty of the same kind, saving nevertheless the local rights or duties as much and as long as similar ones are not established by the United States, or any of them. The subjects of the Most Christian King shall enjoy on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigour, and the United States on their

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tation of any kind of merchandize which the subjects of His Most Christian Majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish melasses.

Act of France rescinding the foregoing articles:

[Translation.]

The General Congress of the United States of North America, having represented to the King that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconvenience; and having, therefore, desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: His Majesty, in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleased to consider their representations: His Majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth articles aforementioned, and that his intention is that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

Act of the United States rescinding the foregoing articles:

DECLARATION.

The Most Christian King having been pleased to regard the representations made to him by the General Congress of North America, relating to the eleventh article of the treaty of commerce, signed the sixth of February, in the present year; and His Majesty having, therefore, consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the abovesaid General Congress hath declared on their part, and do declare, that they consent to the suppression of the eleventh and twelfth articles of the above-mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February.

In faith whereof, &c.,

B. FRANKLIN.
ARTHUR LEE.
JOHN ADAMS.

part, or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper.

Article XII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

Article XIII.

If by the exhibiting of the abovesaid certificates the other party discover there are any of those sorts of goods which are prohibited and declared contraband and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same; saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor who has discovered them, in such case the captor having received those goods shall forthwith discharge the ship, and not hinder her by any means freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

Article XIV.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemys of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration. So that the goods of the subjects and people of either party, whether they be of the nature of such as

are prohibited or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truely be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Article XV.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men-of-war or privateers of the other party, all the commanders of the ships of His Most Christian Majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Article XVI.

All ships and merchandizes, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Article XVII.

It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

Article XVIII.

If any ship belonging to either of the parties, their people or subjects, shall, within the coasts or dominions of the other, stick upon the

sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence and the return of every one to his own country.

ARTICLE XIX.

In case the subjects and inhabitants of either party, with their shipping, whether publick and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XX.

For the better promoting of commerce on both sides, it is agreed that if a war shall break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live for selling and transporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XXI.

No subjects of the Most Christian King shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of them, from any Prince or State with which the said King shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXII.

It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King nor citizens of the said United States, who have commissions from any other Prince or State in

enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

ARTICLE XXIII.

It shall be lawful for all and singular the subjects of the Most Christian King, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the Most Christian King or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several. And it is hereby stipulated that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ARTICLE XXIV.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs with the fuzes, and other things belonging to them, cannonball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton or any other materials whatever; all kinds of wearing apparel, together with the species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and

smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested.

Article XXV.

To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so.

Article XXVI.

The ships of the subjects and inhabitants of either of the parties coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed relative to the object in question.

Article XXVII.

If the ships of the said subjects, people or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said

ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Article XXVIII.

It is also agreed that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of His Most Christian Majesty or the United States be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that State to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Article XXIX.

The two contracting parties grant mutually the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissiaries, whose functions shall be regulated by a particular agreement.

Article XXX.

And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the Most Christian King will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States; and His Majesty will also continue to the subjects of the said States the free ports which have been and are open in the French islands of America; of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

Article XXXI.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.] C. A. GERARD.
[SEAL.] B. FRANKLIN.
[SEAL.] SILAS DEANE.
[SEAL.] ARTHUR LEE.

ANNEX TO THE TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES AND FRANCE OF FEBRUARY 6, 1778.

Form of the passports and letters, which are to be given to the ships and barks, according to the twenty-seventh article of this treaty.

To all who shall see these presents greeting: It is hereby made known that leave and permission has been given to ——— ——— master and commander of the ship called ——— of the town of ——— burthen ——— tons or thereabouts, lying at present in the port and haven of ——— and bound for ——— and laden with ———; after that his ship has been visited and before sailing he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list signed and witnessed containing the names and surnames, the places of birth and abode of the crew of his ship and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven, where he shall enter with his ship he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage, and he shall carry the colours, arms and ensigns of the (King, or United States) during his voyage. In witness whereof we have signed these presents and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ——— at ——— the ——— day of ——— A. D. ———.

1778.[a]

TREATY OF ALLIANCE.

Concluded at Paris February 6, 1778; ratified by Congress May 4, 1778.

ARTICLES.

I. Alliance against Great Britain.
II. Independence of the United States.
III. Efforts to be made against Great Britain.
IV. Concurrent operations.
V. Conquests to belong to United States.
VI. Relinquishment of territory by France.
VII. Conquests to belong to France.
VIII. Islands in Gulf of Mexico.
IX. Renunciation of claims.
X. Powers invited to accede to alliance.
XI. Proprietary rights.
XII. Duration.
XIII. Ratification.

The Most Christian King and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhodes Island, Connecti-

[a] This treaty was abrogated by act of Congress of July 7, 1798.

cut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquility of the two parties; particularly in case Great Britain, in resentment of that connection and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two Crowns. And His Majesty and the said United States, having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective Plenipotentiaries impowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

Article I.

If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

Article II.

The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independance absolute and unlimited, of the said United States, as well in matters of government as of commerce.

Article III.

The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

Article IV.

The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily, and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V.

If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependant upon the said United States.

ARTICLE VI.

The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain.

ARTICLE VII.

If His Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the Crown of France.

ARTICLE VIII.

Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

ARTICLE IX.

The contracting parties declare, that being resolved to fulfil each on its own part the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ARTICLE X.

The Most Christian King and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

ARTICLE XI.

The two parties guarantee mutually from the present time and forever against all other powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace: And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty and independence, abso-

lute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said States, at the moment of the cessation of their present war with England.

Article XII.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

Article XIII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the Most Christian King, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourgh, and Secretary of His Majesty's Council of State; and on the part of the United States, Benjamin Franklin, Deputy to the General Congress from the State of Pennsylvania, and President of the Convention of the same State, Silas Deane, heretofore Deputy from the State of Connecticut, and Arthur Lee, Councellor at Law, have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.]	C. A. Gerard.
[SEAL.]	B. Franklin.
[SEAL.]	Silas Deane.
[SEAL.]	Arthur Lee.

1778.[a]

Act Separate and Secret Reserving Right of King of Spain to Agree to the Foregoing Treaties.

Concluded February 6, 1778; ratified by the Continental Congress May 4, 1778, ratifications exchanged at Paris July 17, 1778.

The most Christian King declared in consequence of the intimate union which subsists between him and the King of Spain, that in

[a] Abrogated by Act of Congress July 7, 1798.

concluding with the United States of America this treaty of amity and commerce, and that of eventual and defensive alliance, his Majesty hath intended, and intends, to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty the power of acceding to the said treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood, nevertheless, that if any of the stipulations of the said treatys are not agreeable to the King of Spain, His Catholick Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the rules of equality, reciprocity and friendship.

The Deputies of the United States, in the name of their constituents, accept the present declaration in its full extent, and the Deputy of the said States who is fully impowered to treat with Spain promises to sign, on the first requisition of His Catholic Majesty, the act or acts necessary to communicate to him the stipulations of the treaties above written; and the said Deputy shall endeavor, in good faith, the adjustment of the points in which the King of Spain may propose any alteration conformable to the principles of equality, reciprocity and the most sincere and perfect amity, he, the said Deputy, not doubting but that the person or persons impower'd by His Catholic Majesty to treat with the United States will do the same with regard to any alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In faith whereof the respective Plenipotentiaries have signed the the present separate and secret article, and affixed to the same their seals.

Done at Paris this sixth day of February, one thousand seven hundred and seventy-eight.

[SEAL.] C. A. GERARD.
[SEAL.] B. FRANKLIN.
[SEAL.] SILAS DEANE.
[SEAL.] ARTHUR LEE,
Deputy, Plenipotentiary for France and Spain.

1782.

CONTRACT FOR THE PAYMENT OF LOANS TO HIS MOST CHRISTIAN MAJESTY.

Concluded July 16, 1782; ratified by the Continental Congress January 22, 1783.

ARTICLES.

I. Amount of loans.
II. Repayment of loans.
III. Abatement of interest.
IV. Interest to diminish.
V. Foreign loans acknowledged.
VI. Engagement to repay Holland.
VII. Agreement of the United States to pay.
VIII. Interest on the loan to Holland.

The King having been pleased to attend to the requests made to him in the name and on behalf of the United Provinces of North America, for assistance in the war and invasion under which they

had for several years groaned; and His Majesty, after entering into a treaty of amity and commerce with the said Confederated Provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced: it has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the King made them, the periods at which the Congress of the United States have engaged to repay them to his Majesty's royal treasury, and, in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his Majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between His Majesty and the said United States; we, Charles Gravier de Vergennes, &c., Counsellor of the King, in all his councils, Commander of his Orders, Minister and Secretary of State, and of his commands and finances, vested with full powers of His Majesty to us given for this purpose: and we, Benjamin Franklin, Minister Plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said States for the present purpose; after duly communicating our respective powers have agreed to the following articles:

ARTICLE I.

It is agreed and certified that the sums advanced by His Majesty to the Congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the above mentioned under written Minister of Congress, given in virtue of his full powers, to wit:

1, 28 February,	1778	750,000	
2, 19 May,	ditto	750,000	
3, 3 August,	ditto	750,000	
4, 1 November,	ditto	750,000	
			3,000,000
5, 10 June,	1779	250,000	
6, 16 September,	ditto	250,000	
7, 4 October,	ditto	250,000	
8, 21 December,	ditto	250,000	
			1,000,000
9, 29 February,	1780	750,000	
10, 23 May,	ditto	750,000	
11, 21 June,	ditto	750,000	
12, 5 October,	ditto	750,000	
13, 27 November,	ditto	1,000,000	
			4,000,000
14, 15 February,	1781	750,000	
15, 15 May,	ditto	750,000	
16, 15 August,	ditto	750,000	
17, 1 August,	ditto	1,000,000	
18, 15 November,	ditto	750,000	
			4,000,000

19, 10 April,	1782	1,500,000	
20, 1 July,	ditto	1,500,000	
21, 5 of the same month		3,000,000	
			6,000,000
Amounting in the whole to 18 millions, viz			18,000,000

By which receipts the said Minister has promised, in the name of Congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of His Majesty, on the 1st of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions, money of France, with interest at 5 per cent. per annum.

ARTICLE II.

Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, His Majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the Minister of Congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

ARTICLE III.

Although the receipts of the Minister of the Congress of the United States specify that the eighteen million of livres above mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, His Majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the Minister of the Congress of the United States acknowledges to flow from the pure bounty of the King, and which he accepts in the name of the said United States with profound and lively acknowledgments.

ARTICLE IV.

The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of His Majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

ARTICLE V.

Although the loan of five millions of florins of Holland, agreed to by the States General of the United Provinces of the Netherlands, on the terms of the obligations passed on the 5th of November, 1781, between His Majesty and the said States General, has been made in His Majesty's name, and guaranteed by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum given by the undersigned Minister of Congress the seventh day of June last.

ARTICLE VI.

By the convention of the said 5th of November, 1781, the King has been pleased to promise and engage to furnish and pay at the general counter of the States General of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act that this engagement was entered into by the King at the request of the undersigned Minister of the United States, and on the promises by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of His Majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

ARTICLE VII.

It is accordingly agreed and settled that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasury of His Majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the King's affection for the United States, His Majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses His Majesty has made a present to the United States, and this their undersigned Minister accepts, with thanks, in the name of Congress, as a new proof of His Majesty's generosity and friendship for the said United States.

ARTICLE VIII.

With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the King has engaged to pay it at the general counter of the States General of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the Minister of Congress acknowledges that the repayment of that is due to His Majesty by the United States, and he engages, in the name of the said United States, to cause payment thereof to be made at the same time and at the same rate at the royal treasury of His Majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner if possible.

In testimony whereof we, the said Plenipotentiaries of His Most Christian Majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles the 16th day of July, one thousand seven hundred and eighty-two.

[SEAL.] GRAVIER DE VERGENNES.
[SEAL.] B. FRANKLIN.

1783.

CONTRACT FOR A NEW LOAN OF SIX MILLION LIVRES FROM HIS MOST CHRISTIAN MAJESTY AND FOR THE PAYMENT OF OLD LOANS.

Concluded February 25, 1783; ratified by the Continental Congress October 31, 1783.

ARTICLES.

I. Payment.
II. Periods for reimbursements.
III. Manner of refund.
IV. Interest.
V. Interest.
VI. Ratification.

The re-established peace between the belligerent Powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities by means of the resources within themselves without being compelled to implore the continuation of the succours which the King has so liberally granted during the war: But the Minister Plenipotentiary of the said United States to His Majesty, having represented to him the exhausted state to which they had been reduced by a long and disastrous war, His Majesty has condescended to take into consideration the request made by the aforesaid Minister, in the name of the

Congress of the said States, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; His Majesty has in consequence determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres tournois, under the title of loan, and under the guaranty of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said States.

And as it is necessary to the good order of His Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at His Majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

We, Charles Gravier, Count de Vergennes, &c., Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal Council of Finances, Counsellor of State, &c., Minister and Secretary of State and of his commands and finances, invested with full powers by His Majesty, given to us for the purpose of these presents: And we, Benjamin Franklin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

Article I.

The payment of the six millions livres, French money, above mentioned, shall be made from the funds of the royal treasury in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the Minister of the said United States, promising in the name of Congress and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at His Majesty's royal treasury, at the house of the sieur grand banker at Paris, with interest at five per cent. per annum at periods hereafter stipulated in the third and fourth articles. The advances which his Majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

Article II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by His Majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, be-

ginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland in 1781, for the service of the United States of North America, under the engagement of the King to refund the capital, with interest at four per cent. per annum, at the general counter of the States General of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the first of which shall take place in the month of November, 1787, and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King, three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

Article III.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at His Majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year, until 1802, when the last reimbursement shall be completed.

Article IV.

The interest of five per cent. per annum of the capital of the six millions, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money at His Majesty's royal treasury, at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year, until the definitive reimbursement of the capital; His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten Minister of Congress has declared to accept with acknowledgment in the name of the said United States.

Article V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding

article; Congress and the United States reserving, however, the liberty of freeing themselves, by anticipated payments, should the state of their finances admit.

ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles; the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof we, the Ministers Plenipotentiaries of His Majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Done at Versailles the twenty-fifth day of February, one thousand seven hundred and eighty-three.

[SEAL.] GRAVIER DE VERGENNES.
[SEAL.] B. FRANKLIN.

1788.[a]

CONVENTION DEFINING AND ESTABLISHING THE FUNCTIONS AND PRIVILEGES OF CONSULS AND VICE-CONSULS.

Concluded November 14, 1788; ratifications exchanged at Paris January 6, 1790, although the certificate of the exchange was dated January 1, 1790.

ARTICLES.

I. Exequaturs.
II. Privileges of consuls.
III. Consular agents.
IV. Chancery.
V. Powers and duties of consuls.
VI. Declarations from captains.
VII. Shipwreck.
VIII. Vessels.
IX. Deserters.
X. Crimes.
XI. Criminal taking refuge.
XII. Disputes between citizens.
XIII. Tribunals for decision of commercial affairs.
XIV. Exemption from personal service.
XV. Most favored nation.
XVI. Duration; ratification.

His Majesty the Most Christian King, and the United States of America, having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective States and ports, Consuls, Vice-Consuls, Agents and Commissaries, and being willing, in consequence thereof, to define and establish, in a reciprocal and permanent manner, the functions and privileges of Consuls and Vice-Consuls, which they have judged it convenient to establish of preference, His Most Christian Majesty has nominated the Sieur Count of Montmorin, of St. Herent, Marechal of his Camps and Armies, Knight of his Orders and of the Golden Fleece, his Counsellor in all his Councils, Minister and Secretary of State, and of his Commandments and Finances, having the Department of Foreign Affairs; and the United States have nom-

[a] Abrogated by Act of July 7, 1798. U. S. *v.* Laurence (3 Dal., 42).

inated the Sieur Thomas Jefferson, citizen of the United States of America, and their Minister Plenipotentiary near the King; who, after having communicated to each other their respective full powers, have agreed on what follows:

ARTICLE I.

The Consuls and Vice-Consuls named by the Most Christian King and the United States shall be bound to present their commissions according to the forms which shall be established respectively by the Most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the exequatur necessary for the exercise of their functions; and on exhibiting the said exequatur, the Governors, Commanders, Heads of Justice, Bodies Corporate, Tribunals and other officers having authority in the ports and places of their consulates, shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice-Consuls any fee, under any pretext whatever.

ARTICLE II.

The Consuls and Vice-Consuls, and persons attached to their functions; that is to say, their Chancellors and Secretaries, shall enjoy a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals: And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said Consuls and Vice-Consuls who shall exercise commerce, shall be respectively subject to all taxes, charges and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ARTICLE III.

The respective Consuls and Vice-Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls: They shall confine themselves respectively to the rendering to their respective merchants, navigators and vessels, all possible service, and to inform the nearest Consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights and privileges attributed to Consuls and Vice-Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

Article IV.

The Consuls and Vice-Consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts and proceedings, as also testaments, obligations, contracts and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences and other consular acts, and also to discharge the functions of notary and register of the consulate.

Article V.

The Consuls and Vice-Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, crews, passengers, and merchants of their nation may chuse to make there, even their testaments and other disposals by last will: And the copies of the said acts, duly authenticated by the said Consuls or Vice-Consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the Most Christian King and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation who shall die within the extent of their consulate; they shall proceed therein with the assistance of two merchants of their said nation, or, for want of them, of any other at their choice, and shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: But the said Consuls and Vice-Consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest and cost; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the Consuls and Vice-Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI.

The Consuls and Vice-Consuls respectively shall receive the declarations, protests and reports of all captains and masters of their respective nation on account of average losses sustained at sea; and these captains and masters shall lodge in the chancery of the said Consuls and Vice-Consuls the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the Most Christian King and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice Consuls; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls or Vice-Consuls shall appoint skillful persons to settle the damages and average.

ARTICLE VII.

In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the Most Christian King, the Consul or Vice-Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice or of the police of the country, otherwise than to give to the Consuls, Vice-Consuls, captain and crew of the vessel shipwrecked or stranded, all the succour and favour which they shall ask of them, either for the expedition and security of the saving, and of the effects saved, or to prevent all disturbance. And in order to prevent all kinds of dispute and discussion in the said cases of shipwreck, it is agreed that when there shall be no Consul or Vice-Consul to attend to the saving of the wreck, or that the residence of the said Consul or Vice-Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the dispatch, certainty and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice-Consul, and shall deliver over to him the report of his proceedings, the expenses of which the Consul or Vice-Consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandize and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory thereof, which shall have been made by the Consul or Vice-Consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may be afterwards delivered, (after levying therefrom the costs,) and without form of process to the owners, who, being furnished with an order for their delivery from the nearest Consul or Vice-Consul, shall reclaim them by themselves or by their order, either for the purpose of re-exporting such mechandize, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there, and in this last case the said merchandise, if they be

damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

Article VIII.

The Consuls or Vice-Consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made; for which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Article IX.

The Consuls and Vice-Consuls may cause to be arrested the captains, officers, mariners, sailors and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country; for which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll that those men were part of the said crews; and on this demand so proved (saving, however, where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back; but if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article X.

In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

Article XI.

When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country. These shall give notice thereof to the Consul or Vice-Consul, who may repair on board if he thinks proper; but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the Consul or Vice-Consul shall have been notified thereof; and they

shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ARTICLE XII.

All differences and suits between the subjects of the Most Christian King in the United States, or between the citizens of the United States within the dominions of the Most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice-Consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ARTICLE XIII.

The general utility of commerce having caused to be established within the dominions of the Most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide in the manner the most conformable to its laws for the establishment of equivalent advantages in favour of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV.

The subjects of the Most Christian King, and the citizens of the United States who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

ARTICLE XV.

If any other nation acquires by virtue of any convention whatever a treatment more favourable with respect to the consular preeminences, powers, authority and privileges, the Consuls and Vice-Consuls of the Most Christian King, or of the United States, reciprocally shall participate therein, agreeable to the terms stipulated by the second, third and fourth articles of the treaty of amity and commerce concluded between the Most Christian King and the United States.

ARTICLE XVI.

The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifi-

cations, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

In faith whereof we, Ministers Plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles the fourteenth of November, one thousand seven hundred and eighty-eight.

[SEAL.] L. C. DE MONTMORIN.
[SEAL.] TH: JEFFERSON.

1800 [a]

CONVENTION OF PEACE COMMERCE AND NAVIGATION.

Concluded September 30, 1800; ratifications exchanged at Paris, July 31, 1801; proclaimed December 21, 1801.

ARTICLES.

I. Amity.
II. Former treaties.
III. Captured ships.
IV. Captured property.
V. Prosecution of debts.
VI. Freedom of commerce and navigation.
VII. Property rights.
VIII. Reciprocal treatment of citizens.
IX. Confiscation of debts.
X. Commercial agents.
XI. Discrimination in duties.
XII. Neutral vessels; blockade.
XIII. Contraband.
XIV. Free ships, free goods.
XV. Enemy's flag over neutral goods.
XVI. Nationality of vessels.
XVII. Neutral ships.
XVIII. Visitation and search.
XIX. Neutral vessels under convoy.
XX. Capture of neutral vessels.
XXI. Officers of neutral vessels.
XXII. Prize courts.
XXIII. Indemnification for damages.
XXIV. Admission of prizes to ports.
XXV. Privateers.
XXVI. Pirates.
XXVII. Fisheries; ratification. Senate resolution.

The Premier Consul of the French Republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two States, have respectfully appointed their Plenipotentiaries, and given them full power to treat upon those differences, and to terminate the same; that is to say, the Premier Consul of the French Republic, in the name of the people of France, has appointed for the Plenipotentiaries of the said Republic the citizens Joseph Bonaparte, ex-Ambassador at Rome and Counsellor of State; Charles Pierre Claret Fleurieu, Member of the National Institute and of the Board of Longitude of France and Counsellor of State, President of the Section of Marine; and Pierre Louis Rœderer, Member of the National Institute of France and Counsellor of State, President of the Section of the Interior; and the President of the United States of America, by and with the advice and consent of the Senate of the said States, has appointed for their Plenipotentiaries, Oliver Ellsworth, Chief Justice of the United States; William Richardson

[a] This treaty expired by its own limitations July 31, 1809. Federal cases: U. S. *v.* The Peggy (1 Cranch. 103), Chirac *v.* Chirac (2 Wheat., 259), De Geofroy *v.* Riggs (133 U. S., 258), Gray *v.* U. S. (21 Ct. Cls., 340), Cushing *v.* U. S. (22 Ct. Cls., 1), Hooper *v.* U. S. (22 Ct. Cls., 408), The Schooner Jane (23 Ct. Cls., 226), The Ship Tom (29 Ct. Cls., 68).

Davie, late Governor of the State of North Carolina; and William Vans Murray, Minister Resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French Republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of person or places.

ARTICLE II.[a]

The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negociate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

ARTICLE III.

The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

ARTICLE IV.

Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted,) shall be mutually restored on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

"*To all who shall see these presents, greeting:*

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ———, of the town of ———, burthen ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ———; after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———, the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept, by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing

[a] This article was expunged before the final ratification of the treaty, and the following article was added:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

See also note at end of the treaty.

the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms, and ensigns of the [French Republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ——— at ——— the ——— day of ——— anno Domini."

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

Article V.

The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted, in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Article VI.

Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favoured nation.

Article VII.

The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, move-

able and immoveable, holden in the territory of the French Republic in Europe, and the citizens of the French Republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed ab intestato, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or ab intestato, shall be exempt from any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either State may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ARTICLE VIII.

To favor commerce on both sides it is agreed that, in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if anything be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

ARTICLE IX.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE X.

It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place as may be thought proper from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and

furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favoured nations.

Article XI.

The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said State to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy, in the territories of the French Republic in Europe, the same privileges and immunities, as well for their property and persons as for what concerns trade, navigation, and commerce.

Article XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Power or under the several, unless such ports or places shall be actually blockaded, besieged, or invested.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XIII.

In order to regulate what shall be deemed contraband of war, there shall be comprised, under that denomination, gun-powder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, holsters, cavalry-saddles and furniture, cannon,

mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

ARTICLE XV.

On the contrary, it is agreed that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ARTICLE XVI.

The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

Article XVII.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

If the master of a ship named in the passport should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

Article XVIII.

If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

Article XIX.

It is expressly agreed by the contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the

sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient, the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

ARTICLE XX.

In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods; nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

ARTICLE XXI.

And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured or seized, and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

ARTICLE XXII.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence of decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXIII.

And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty-six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or seventy-three thousand six hundred and forty francs, to satisfy all damages and injuries which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggression the said commission shall be revoked and annulled.

ARTICLE XXIV.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

ARTICLE XXV.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXVI.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or

towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offenses.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents duly authorized by them; (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Article XXVII.

Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulph of St. Lawrence, or elsewhere on the American coast northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris the eighth day of Vendèmiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred.

[seal.]	J. Bonaparte.
[seal.]	C. P. Fleurieu.
[seal.]	Roederer.
[seal.]	O. Ellsworth.
[seal.]	W. R. Davie.
[seal.]	W. V. Murray.

The Senate of the United States did, by their resolution of the 3d day of February, 1801, consent to and advise the ratification of the convention: *Provided*, The second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Bonaparte, First Consul, in the name of the French people, consented on the 31st July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions, which are the object of the said article."

These ratifications having been exchanged at Paris on the 31st of July, 1801, were again submitted to the Senate of the United States, which on the 19th of December, 1801, declared the convention fully ratified, and returned it to the President for promulgation.]

1800.

PRELIMINARY AND SECRET TREATY BETWEEN THE FRENCH REPUBLICK AND HIS C. M. THE KING OF SPAIN, RELATING TO THE AGGRANDIZEMENT OF H. R. H. THE INFANT DUKE OF PARMA IN ITALY, AND TO THE RECESSION OF LOUISIANA. (See Art. I, treaty 1803.)

His Catholick Majesty having always manifested the most anxious desire to procure for his R. H. the Duke of Parma an aggrandizement, which might place him on a footing corresponding with his dignity; and the French Republick having long since given to H. C. M. the King of Spain to understand the desire which they felt to recover possession of the colony of Louisiana; both governments having interchanged their views upon these two subjects of common interest, and circumstances permitting them to enter into engagements in this particular, which as far as it depends on them, may assure reciprocal satisfaction, have authorized for this purpose, that is to say: the French Republic, the citizen Alexander Berthier, general in chief; and his C. M. don Mariano Luis de Urquijo, Chevalier of the Order of Charles III, and of St. John of Jerusalem, Counsellor of State, his Envoy Extraordinary and Plenipotentiary near the Batavian Republick, and his provisional first Secretary of State; who, after having exchanged their powers, have agreed, saving the ratification, upon the following articles:

ARTICLE I.

The French Republick engages to procure for H. R. H. the Infant Duke of Parma an augmentation of territory which shall raise the population of his estates to one million of inhabitants with the title of King, and all the rights annexed to the royal dignity; and to this effect the French Republick engages to obtain the consent of H. M. the Emperor and King, and of the other states interested, so that H. R. H. the Infant Duke of Parma may without opposition enter into possession of the said territories, at the time of the confirmation of peace between the French Republick and his Imperial Majesty.

ARTICLE II.

The augumentation to be given to H. R. H. the Duke of Parma may consist of Tuscany, in case the present negotiations of the French government with H. I. Majesty shall permit them to dispose of that country, or of the three Roman ecclesiastical provinces, or any other continental provinces of Italy, that may form a rounded estate.

ARTICLE III.

H. C. M. promises and engages on his part to recede to the French Republick, six months after the full and entire execution of the conditions and stipulations herein expressed, relative to H. R. H. the Duke of Parma, the colony or province of Louisiana, *with the same extent that it now has in the hands of Spain, and had while in the possession of France, and such as it ought to be in conformity with the treaties subsequently concluded* between Spain and other states.

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[a] See Treaty 1803, p. 508.

ARTICLE IV.

H. C. M. will give the necessary orders for the occupation of Louisiana by France, the moment the estates designed for his aggrandizement shall be placed in the hands of H. R. H. the Duke of Parma. The French may, according to its convenience, defer the taking possession; and when this is to be done, the states directly or indirectly interested shall agree upon the ulterior conditions which their common interests and that of their inhabitants may demand.

ARTICLE V.

H. C. M. engages to deliver to the French Republick in the ports of Spain in Europe, one month after the execution of the stipulation with regard to the Duke of Parma, six ships of war in good condition, of seventy four guns, armed and equipped, and in a state to receive the French crews and supplies.

ARTICLE VI.

The stipulations of the present treaty having no prejudicial object; but on the contrary preserving untouched the rights of every one, it is not to be presumed, they can excite the suspicions of any power. But if the contrary should happen, and the result of their execution should be that the two states are attacked or threatened, both powers engage to make a common cause, as well to repel aggression, as also to take those conciliatory measures proper to maintain peace with all their neighbours.

ARTICLE VII.

The obligations contained in the present treaty, in nothing annul those which are expressed in the treaty of alliance signed at St. Ildefonso, on the 2d Fructidor, year 4, (18th of August, 1796;) on the contrary they unite with new ties the interests of the two powers, and confirm the stipulations of the treaty of alliance in all the cases to which they can be applied.

ARTICLE VIII.

The ratifications of the present preliminary articles shall be completed and exchanged in the period of one month, or sooner if possible, counting from the date of the signing of the present treaty.

In faith of which, we, the undersigned, ministers plenipotentiary of the French Republick, and of H. C. M. by virtue of our respective powers, have signed the present preliminary articles, and have affixed our seals.

Done at St. Ildefonso, the 9th Vendimiaire, 9th year of the French Republick, (1st October, 1800.)

(Signed) ALEXANDER BERTHIER,
(Signed) MARIANO LUIS DE URQUIJO.

1803.

Treaty for the Cession of Louisiana.[a]

Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803.

Articles.

I. Cession of the colony of Louisiana.
II. Extent of cession.
III. Citizenship to inhabitants.
IV. Transfer of territory.
V. Assumption of possession.
VI. Treaties with Indians.
VII. Privileges to French and Spanish ships.
VIII. Most favored nation clause.
IX. Approval of other conventions.
X. Ratification.

The President of the United States of America, and the First Consul of the French Republic in the name of the French People desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the Convention of the {8th Vendémiaire an 9 / 30 September 1800} relative to the rights claimed by the United States in virtue of the Treaty concluded at Madrid the 27 of October 1795, between His Catholic Majesty, & the said United States, & willing to strengthen the union and friendship which at the time of the said Convention was happily reestablished between the two nations have respectively named their Plenipotentiaries to wit the President of the United States, by and with the advice and consent of the Senate of the said States; Robert R. Livingston Minister Plenipotentiary of the United States and James Monroe Minister Plenipotentiary and Envoy extraordinary of the said States near the Government of the French Republic; And the First Consul in the name of the French people, Citizen Francis Barbé Marbois Minister of the public treasury who after having respectively exchanged their full powers, have agreed to the following Articles.—

Article I

Whereas by the Article the third of the Treaty concluded at St. Idelfonso the {9th Vendémiaire an 9 / 1st October 1800} between the First Consul of the French Republic and his Catholic Majesty it was agreed as follows.—

"His Catholic Majesty promises and engages on his part to cede to "the French Republic six months after the full and entire execution

[a] Federal cases: Foster *v.* Neilson (2 Pet., 253); Soulard *v.* U. S. (4 Pet., 511); Delassus *v.* U. S. (9 Pet., 117); New Orleans *v.* De Armas (9 Pet., 224); Smith *v.* U. S. (10 Pet., 326); New Orleans *v.* U. S. (10 Pet., 662); Strother *v.* Lucas (12 Pet., 410); Garcia *v.* Lee (12 Pet., 511); Keene *v.* Whitaker (14 Pet., 170); Chouteau *v.* Eckhart (2 How., 344); Pollard *v.* Hagan (3 How., 212); McDonogh *v.* Millaudon (3 How., 693); U. S. *v.* King (3 How., 773); U. S. *v.* Reynes (9 How., 127); Davis *v.* Police Jury of Concordia (9 How., 280); U. S. *v.* D'Auterive (10 How., 609); U. S. *v.* Philadelphia and New Orleans (11 How., 609); U. S. *v.* Turner (11 How., 663); U. S. *v.* Lynde's Heirs (11 Wall., 632); Slidell *v.* Grandjean (111 U. S., 412); Bryan *v.* Kennett (113 U. S., 179); Josephs *v.* U. S. (1 Ct. Cls., 197; 2 Ct. Cls., 586); Gray *v.* U. S. (21 Ct. Cls. 340); The Ship Tom (29 Ct. Cls., 68); Iowa *v.* Rood (187 U. S., 87).

"of the conditions and stipulations herein relative to his Royal High-
"ness the Duke of Parma, the Colony or Province of Louisiana with
"the same extent that it now has in the hands of Spain, & that it had
"when France possessed it; and such as it should be after the Trea-
"ties subsequently entered into between Spain and other States."[a]

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in the name of the French Republic forever and in full sovereignty the said territory with all its rights and appurtenances as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

ART: II

In the cession made by the preceding article are included the adjacent Islands belonging to Louisiana all public lots and squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property. The Archives, papers and documents relative to the domain and sovereignty of Louisiana and its dependencies will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of such of the said papers and documents as may be necessary to them.

ART: III

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

ART: IV

There shall be sent by the Government of France a Commissary to Louisiana to the end that he do every act necessary as well to receive from the Officers of his Catholic Majesty the said country and its dependencies in the name of the French Republic if it has not been already done as to transmit it in the name of the French Republic to the Commissary or agent of the United States.

ART: V

Immediately after the ratification of the present Treaty by the President of the United States and in case that of the first Consul's shall have been previously obtained, the Commissary of the French Repub-

[a] For full text of agreement see page 506.

lic shall remit all military posts of New Orleans and other parts of the ceded territory to the Commissary or Commissaries named by the President to take possession—the troops whether of France or Spain who may be there shall cease to occupy any military post from the time of taking possession and shall be embarked as soon as possible in the course of three months after the ratification of this treaty.—

ART: VI

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the United States and the said tribes or nations other suitable articles shall have been agreed upon—

ART: VII

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty until general arrangements relative to the commerce of both nations may be agreed on: it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies loaded only with the produce and manufactures of France or her said Colonies; and the ships of Spain coming directly from Spain or any of her colonies loaded only with the produce or manufactures of Spain or her Colonies shall be admitted during the space of twelve years in the Port of New-Orleans and in all other legal ports-of-entry within the ceded territory in the same manner as the ships of the United States coming directly from France or Spain or any of their Colonies without being subject to any other or greater duty on merchandize or other or greater tonnage than that paid by the citizens of the United States.—

During the space of time above mentioned no other nation shall have a right to the same privileges in the Ports of the ceded territory—the twelve years shall commence three months after the exchange of ratifications if it shall take place in France or three months after it shall have been notified at Paris to the French Government if it shall take place in the United States; It is however well understood that the object of the above article is to favour the manufactures, commerce, freight and navigation of France and of Spain so far as relates to the importations that the french and Spanish shall make into the said ports of the United States without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.—

ART: VIII

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned—

ART: IX

The particular Convention signed this day by the respective Ministers having for its object to provide for the payment of debts due to the Citizens of the United States by the French Republic prior to the 30th Septr 1800 (8th Vendémiaire an 9) is approved and to have its execution in the same manner as if it had been inserted in this present treaty and it shall be ratified in the same form and in the same time so that the one shall not be ratified distinct from the other—

Another particular Convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved and will be ratified in the same form, and in the same time and jointly.—

ART X

The present treaty shall be ratified in good and due form and the ratifications shall be exchanged in the space of six months after the date of the signature by the Ministers Plenipotentiary or sooner if possible.

In faith whereof the respective Plenipotentaries have signed these articles in the French and English languages; declaring nevertheless that the present Treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floreal, in the eleventh year of the French Republic; and the 30th of April 1803

ROBT R LIVINGSTON
[SEAL.]
JAS. MONROE.
[SEAL.]
BARBÉ MARBOIS
[SEAL.]

1803.

CONVENTION FOR PAYMENT OF SIXTY MILLION FRANCS BY THE UNITED STATES.

Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803.

ARTICLES.

I. Sum to be paid.
II. Manner of payment.
III. Value of the dollar; ratification.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively everything which has relation to the said cession, have authorized to this effect the Plenipotentiaries, that is to say: The President of the United States

has, by and with the advice and consent of the Senate of the said States, nominated for their Plenipotentiaries, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as Plenipotentiary of the said Republic, the citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

ARTICLE I.

The Government of the United States engages to pay to the French Government in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

ARTICLE II.

For the payment of the sum of sixty million of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam, or Paris, amounting by the half year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French Government to be paid at either place; the principal of the said stock to be re-imbursed at the Treasury of the United States, in annual payments of not less than three millions of dollars each, of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the Government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the Government of the United States.

It is further agreed, that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

ARTICLE III.

It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

The present convention shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months to date from this day, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and

written in the French language; to which they have hereunto affixed their seals.

Done at Paris the tenth of Floréal, eleventh year of the French Republic, (30th April, 1803.)

[SEAL.] ROBT. R. LIVINGSTON.
[SEAL.] JAS. MONROE.
[SEAL.] BARBÉ MARBOIS.

1803.

CONVENTION FOR PAYMENT OF SUMS DUE BY FRANCE TO CITIZENS OF THE UNITED STATES.

Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803.

ARTICLES.

I. Payment of claims.
II. Description of claims.
III. Mode of payment.
IV. Claims comprehended.
V. To what cases applicable.
VI. Commissioners.
VII. Examination of claims to be admitted.
VIII. Examination of claims not liquidated.
IX. How debts shall be discharged.
X. Commercial agent to assist.
XI. Decision.
XII. Claims since September, 1809.
XIII. Ratification.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the eighth Vendémiaire, ninth year of the French Republic (30th September, 1800,) to secure the payment of the sums due by France to the citizens of the United States, have respectively nominated as Plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, Minister Plenipotentiary, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, the citizen Francis Barbé Marbois, Minister of the Public Treasury; who, after having exchanged their full powers, have agreed to the following articles:

ARTICLE I.

The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, ninth year of the French Republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent., to commence from the period when the accounts and vouchers were presented to the French Government.

ARTICLE II.

The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present Convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

ARTICLE III.

The principal and interests of the said debts shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissaries of France to those of the United States.

ARTICLE IV.

It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendémiaire, ninth year, (30th September, 1800.)

ARTICLE V.

The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the government of the French Republic, and only in case of insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendémiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said Convention, saving, however, to such persons their claims in like manner as if this Treaty had not been made.

ARTICLE VI.

And that the different questions which may arise under the preceding article may be fairly investigated, the Ministers Plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureaus established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendémiaire, 9th year, (30th September, 1800,) the debtor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

ARTICLE VII.

The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

ARTICLE VIII.

The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgment ought to be admitted to liquidation.

ARTICLE IX.

In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent., by the Treasury of the United States.

ARTICLE X.

And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the Commercial Agent of the United States at Paris, or such other agent as the Minister Plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureaus, and co-operate in the examinations of the claims; and if this Agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if, notwithstanding his opinion, the bureaus established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the Minister of the United States. The Minister of the United States shall transmit his observations, in

all such cases, to the Minister of the Treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

Article XI.

Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

Article XII.

In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Article XIII.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the Ministers Plenipotentiary, or sooner if possible.

In faith of which, the respective Ministers Plenipotentiary have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth of Floréal, eleventh year of the French Republic, thirtieth April, 1803.

[SEAL.] Robt. R. Livingston.
[SEAL.] Jas. Monroe.
[SEAL.] Barbé Marbois.

TABLEAU GÉNÉRAL DES RÉCLAMATIONS AMÉRICAINES.

Liquidation générale de la dette publique, 4me direction, 1re section.

CRÉANCES RECONNUES PAR L'EX-COMMISSION DE LA COMPTABILITÉ INTERMÉDIAIRE.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objects des réclamations.	Sommes liquidées ou à liquider.	Observations.
				Liv. s. d.	
No.	An. X.				
1	Ventôse 2	Maurice Giraud, par James Swan	Riz et farines versés à Paris	112,862 2 8	Fourniture réglée par le ministre de l'intérieur.
2	.... " .....dit.	—— Smith, par le même	Viande salée livrée au Havre	12,836 5 0	Pour solde. Na. Il avait été payé sur cette M. Bo. 67,849 9 9 ou L. Tourn. 125,521 13.
3	.... " 4	Waters Griffith, par le même	Farine versée à l'Orient	132,160 0 0	Indépendamment d'un à-compte reçu de 40,000.
4	.... " 24	Thomas Ramsden, par le même	Solde de draperie livrée à Dunkerque	173,861 15 0	
5	.... " .....dit.	Benjamin Jenné, par le même	Cuir, coton et indigo versés au Havre en l'an 2..	149,457 16 8	
6	.... " .....dit.	John Andrews, par le même	Cuir, coton et indigo versés au Havre en l'an 3..	298,375 15 0	
7	.... " 26	—— Clark, par Guesiain	Cent pièces guinées bleues versées au Sénégal en l'an 4.	6,800 0 0	Créance réglée par le Cen. Rozier, vice-consul à New York.
8	.... " .....dit.	Riebins Smith, par le même	Farines versées à l'Orient et à Bordeaux en l'an 3.	187,388 18 9	Pour solde, le tiers ayant été payé d'avance en Amérique sur réglemt, du même Rozier.
9	Germinal 12	Le Barring, par James Swan	Vins et eaux de vie versés à l'Isle de France en l'an 2.	204,183 0 0	Une partie a été payée par l'administration du Cap en papier-monnaie.
10	Floréal 8	Taney et Simons, par Melliille	Riz du navire Carolina Planter	177,153 4 0	Indépendamment d'un à-compte reçu de 32,987. *Espèces.*
11	.... " 23	John Higgenson	Bœuf salé et cuirs à semelles, versés à Bordeaux en l'an 3.	111,206 10 0	L'autre moitié payée en l'an 4.
12	.... " 29	Josua Barney	Farine versée à Bordeaux en l'an 2	156,105 16 9	Une partie de cette fourniture a été payée en vins et eaux de vie.
13	Prairial 2	Peter Whiteside	Draperie livrée à Boulogne-sur-Mer en l'an 2....	122,367 8 0	Pour solde, un quart payé en l'an 3.
14	.... " 4	Joseph Sands	Cuirs et viandes salées livrés à Bordeaux, Brest, le Havre, et les Sables.	138,850 17 3	Pour solde, une partie payée en l'an 4.
15	.... " 6	John R. Livingston	Cuirs livrés au Havre et à Brest en l'an 3	330,786 12 0	Payé en l'an 4, —— 40,726.
16	.... " 19	James Swan et Schweitzer	Réglement définitif de compte comme agent du gouvernement, environs.	1,000,000 0 0	Pour autant dû à sa maison particulière pour les objets qui lui sont propres et défalcation des parties qui lui sont communes avec Schweitzer.
17	.... " 26	John Sinclair	Demeurage en France; surestaries de trois bricks: Polly, Succès, Recovery.	50,914 4 9	
	An. XI.				
18	Brumaire 25	James Grubb	Cargaison de farine versée à Saint Domingo.....	94,468 7 8	Cette liquidation est la dernière arrêtée par la commission, dont les opérations ont été suspendues à l'époque de la création du conseil de liquidation, (au 1ère vendémiare an 10).
				3,459,778 13 6	

CRÉANCES À LIQUIDER DONT LES RAPPORTS ONT ÉTÉ SOUMIS À L'APPROBATION DU DIRECTEUR PARTICULIER.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objects des réclamations.	Sommes liquidées ou à liquider.			Observations.
No.	An. X.			*Liv.*	*s.*	*d.*	
19		John Smith, capitaine du navire La Nancy.	Bleds et farines versés à Brest	109,806	15	9	James Barry, propriétaire.
20		Hugg Gemmil, do. du navire Malgivra		161,790	3	9	
21		—— Low, do. du Succès	7,152½ poignées de morue livrées à l'Orient	16,865	14	8	Pour solde.
22		John Grist, do. de l'Hannah	Farines pour l'approvisionment de Belle Isle	100,226	11	8	Idem.
23		Erick Gladd, do. de la Lydia	Idem	128,347	7	3	Deux voyages.
24		Gust Griffin, do. du Nantilhes	Idem	12,305	17	6	
25		William Carhart, do. de la Colombia	Idem	113,672	12	0	
26		Salomon Coock, do. de la Seaflower	Idem	26,989	3	8	
27		Edward Staples, do. de la Diana	Idem	28,582	10	3	
28		Samuel Norwood, do. de la Lydia	Idem	43,437	2	9	
29		—— Scheffieds, do. de l'Oneyda	Idem	225,016	0	0	
30		—— Barrowdale, do. de l'Eliza	Idem	60,228	0	0	
31		Thomas Norton, do. du Thorne	Farines et chandelles pour idem	107,057	15	0	
32		Jam. Hemphile, do. de la Sally	Farines pour l'approvisionment de Belle Isle	197,642	11	7	Deux voyages.
33		Isaac Snow, do. de l'Industrie	Morue livrée à l'Orient	18,062	5	3	Pour solde. Les deux tiers payés.
34		—— Hodge, do. du Henry	Frets de gaudron et surestaries	20,020	15	3	
35		—— Buffington, do. de la Branche d'Olive.	Farine, chandelle, savon, morue, &c., livrés à l'Orient.	173,378	0	2	
36		Alex. Black, do. du Samuel	Sucre, café, riz et douvelles livrés à Port Malo	33,492	11	3	
37		—— Lowette, do. du Lark	Morue livrée à Bayonne	89,471	0	0	
38		—— Wales, do. du Genet	Chanvre pour le service de la marine à l'Orient	43,937	10	6	Pour solde.
39		—— Blund, do. du Hero	Riz, indigo et douvelles livrés à Cherbourg	23,665	1	0	Do.
40		—— Buisson, do. de la Peggy	Surestaries, assignats, 19,032	74,053	7	9	Suspendu.
41		Tupper & Platt, do. de l'Emilie	Fret, surestaries, remboursement du navire	287,679	10	0	Ajourné par le Cen. Guillaume.
42		—— Tilcomb, do. de la Marie	Fin de solde de surestaries	79,200	0	0	
43		—— Coleman, do. le Fame	Surestaries	1,152	0	0	
44		—— Willing, do. de la Sophie	Cargaison et surestaries	91,457	6	0	Ajourné.
45		—— Nash, do. la Betsey	Farines livrées au Cap	9,900	0	0	
46		John Peters, do. du Ruth	Solde des surestaries	2,489	1	0	
47		William Thompson, do. de l'Aquila	Sucre saisé à Ostende	674,278	11	2	
48		—— Kemps, do. du Governor Mifflin	Solde de fret	38,902	10	0	
49		Richard Lann, do. de L'amie Suzanne	Surestaries	9,600	0	0	
50		—— Dunham, do. de l'Abigail	Idem	3,150	0	0	
51		Joseph Sands, do. de l'Hamilton	Idem	100,000	0	0	
52		Le même	Rectification de la liquidation faite à son profit par la comptabilité interméd.	237,000	0	0	Erreur reconnue par la trésorerie.
53		James Swan, pour Le Barring	Surestaries	45,736	0	0	
54		Joseph J. Miller, Captᵉ de l'Illinois	Poudre, farine et salalsors livrés à St. Domingue et à la Guadeloupe.	1,135,504	1	8	
55		Henry Salder		504,897	13	4	
56		Ge. Wm. Murray		64,084	0	0	
				5,093,679	10	2	

CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS.

57		Richard Christie, capitaine de la Polly		3,847	10	0
58		James Craig, do. de la Prosperity		24,724	10	6
59		—— Daingerfield, do. du St. Tammani		36,977	15	6
60		William Collet, do. de la Paix		11,786	13	4
61		Joseph Glenn, do. des Quatres Amis		26,693	6	8
62		John Mitchell, do. de la Molly		60,391	1	0
63		Simon Swail, do du Chef Indien		28,719	10	0
64		Samuel Gerrish, do. de la Caroline		8,759	18	1
65		—— Godrich, do. de Severn		74,253	7	0
66		J. Justice, do. de la Theodosia		12,311	18	6
67		—— Jenning, do. du John		100,847	16	4
68		—— Edgar, do. de la Sally		28,537	5	0
69		John Broock, do. du Robin		25,504	17	9
70		—— Maxwell, do. la Juno		13,084	3	4
71		—— Beard, do. de l'Union		152,047	13	3
72		—— Monk, do. du Portsmouth		225,262	16	0
73		Joseph Pitcairn		224,849	8	9
74		E. Giles, do. du Jerusha		91,373	7	1
75		—— Reide, do. du Little Cherubim		72,627	10	2
76		J. John, [Jongher,] do. du Swanwick		70,348	15	0
77		—— West, do. du Suffolk	3,866 veltes eau de vie	Non-appréciées.		
78		—— Tood, do. du Mercure		25,055	12	6
79		—— Olney, do. du Friendship		45,597	0	9
80		—— Parker, do. de l'Iris		15,742	10	9
81		—— Carleton, do. de l'Eunice		29,317	1	8
82		—— Gruder, do. de l'Apollo		44,542	6	8
83		—— Monroe, négociant		12,980	0	0
84		John Clarke, capitaine du navire le John Alexander.		20,689	10	0
85		—— Colley, do. de la Paix		1,078	12	0
86		J. B. Hodgson, do. du Woodrop Sims		115,174	10	0
87		Elias Simes, do. du George		62,357	13	0
88		Elie Cabot, négotiant		40,107	6	3
89		Pre. Changeur, Deyme et Comp		179,588	0	0
90		William S. Rust, capitaine du navire la Marie.		14,400	0	0
91		John Burlingham, do. du Mary		30,032	9	0
92		—— Kinsman, do. du Roebuck		18,655	0	0
93		—— Ingraham, do. de l'Entreprise		157,600	0	0
94		William Cook, do. du Trenton		1,352	9	6
95		Murray et Lawrence, négociants		2,200,000	0	0
96		—— Wooberry, capitaine du navire le Neptune.		105,707	13	0
97		—— Cowell, do. de la Jeanne		pour mémoire.		
98		—— Stevens, do. du Hopp		20,926	11	11
99		Samuel Makins, do. de l'Andrews		7,614	16	0
100		—— White, do. du Laurens		152,579	1	0
101		Zacharie Coppman		663,739	16	4

CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objects des réclamations.	Sommes liquidées ou à liquider.	Observations.
				Liv. *s.* *d.*	
No.	An. X.				
102		J. Loup, capitaine du Cassius		106,323 0 0	
103		Walter Kerr, do. du Kensington		21,352 0 0	
104		—— Ellison, do. du Good Friends		182,157 8 0	
105		—— Hayes fils, do. du Peters, de Boston.	Cargaison & surestaries	69,023 19 4	
106		Stephen Higginson	Fourniture de fairine au Cap	55,335 6 0	
107		Bernard Dugan & Compagnie	Idem	90,344 18 0	Argent des Isles.
108		—— Barney	Approvisionnement des magasins du Cap	695,550 10 0	Pour solde.
109		Gillies, (Robert,) capitaine du navire The Fair.	Fret et cargaisons	395,002 6 0	
110		Girard, (Stephen)	Solde d'une lettre de change	16,537 10 0	
111		Randall, (Paul Richard)	Idem	50,944 6 0	
112		James Thayer	Traite sur le Sénégal	5,663 12 0	
113		Fulwar Skipwith	Quatre traites tirées de St. Domingue	64,875 14 0	
114		Le même	Pour 11 lettres de change tirées des colonies	25,562 12 0	
115		Le même	Pour une traite tirée de St. Domingue	29,712 6 11	
116		Le même	Pour trois traites sur la Guadeloupe	13,703 6 6	
117		Le même	Pour 17 lettres de change sur St. Domingue	333,501 14 0	En partie relatives au navire Le Baring.
118		—— Bentalou, par James Swan	Pour 13 traites tirées des colonies	23,433 6 8	
119		Le même, idem	Pour 26 traites de l'Isle de France	424,000 0 0	Idem.
120		—— Crousillat, capitaine du bateau La Nancy.	Pour cargaison	40,355 15 0	
121		—— Dunlap et Thomas Irwin	Pour cargaison prise pour les besoins de Cayenne.	38,951 5 0	
122		Stephen Higginson et William Parsons	Fourniture de farine à St. Domingue	94,694 15 4	
				8,034,722 14 4	
		Pour 105 batiments détenus à Bordeaux, par suite de l'embargo de 1793.		3,301,122 8 8	

RÉCAPITULATION.

Créances reconnues par l'ex-commission de la comptabilité intermédiaire	3,459,778 13 6	Les jugements arbitraux sur lesquels la liquidation a été faite ont déjà alloué les intérêts de plusieurs de ces créances.
Créances dont les rapports ont été soumis au directeur particulier	5,093,679 10 2	
Créances à liquider	8,034,722 14 4	
Réclamations relatives à l'embargo de 1793	3,301,122 8 8	Susceptible d'une réduction considérable.
Total	19,889,303 6 8	

The Commission provided for in the foregoing convention was duly appointed, held its first meeting July 5, 1803, and adjourned December 1, 1804.

1822.

Convention of Navigation and Commerce.

Concluded June 24, 1822; ratification advised by the Senate January 31, 1823; ratified by the President February 12, 1823; ratifications exchanged February 12, 1823; proclaimed February 12, 1823.

Articles.

I. Extra duties by American vessels.
II. Extra duties by French vessels.
III. Transit and reexportation.
IV. Ton described.
V. Shipping charges.
VI. Deserters from ships.
VII. Duration; reduction of extra duties.
VIII. Ratification.
Separate article. Refund of extra duties.

The United States of America and His Majesty the King of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say:

The President of the United States to John Quincy Adams, their Secretary of State, and His Most Christian Majesty to the Baron Hyde de Neuville, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States;

Who, after exchanging their full powers, have agreed on the following articles:

Article I.

Articles of the growth, produce or manufacture, of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce or manufacture, of the United States, when imported in French vessels.

Article II.

Articles of the growth, produce or manufacture, of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandise, over and above the duties collected upon the like articles, also of the growth, produce or manufacture of France, when imported in vessels of the United States.

Article III.

No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the ports of the United States for transit or re-exportation; nor shall any such

duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

ARTICLE IV.

The following quantities shall be considered as forming the ton of merchandise for each of the articles hereinafter specified: Wines—four 61-gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, and all other liquids, 244 gallons.

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton, 804 lbs. avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 lbs. avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 lbs. avoirdupois, or 1,016 kilogs.

Rice, 1,600 lbs. avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lbs. avoirdupois, or 1,016 kilogrammes.

ARTICLE V.

The duties of tonnage, light-money, pilotage, port charges, brokerage and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ARTICLE VI.

The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and Vice-Consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of the said crews; and on this demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE VII.

The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of

that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ARTICLE VIII.

The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner if possible. But the execution of the said convention shall commence in both countries on the first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] G. HYDE DE NEUVILLE.

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] G. HYDE DE NEUVILLE.

1831.

CONVENTION AS TO CLAIMS AND DUTIES ON WINES AND COTTON.[a]

Concluded July 4, 1831; ratification advised by the Senate January 27, 1832; ratified by the President February 2, 1832; ratifications exchanged February 2, 1832; proclaimed July 13, 1832.

ARTICLES.

I. Indemnity to American citizens.
II. Mode of payment.
III. Idemnity to French citizens.
IV. Mode of payment.
V. Claims not provided for.
VI. Documents and papers.
VII. French wines.
VIII. Ratification.

The United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good in-

[a] Federal cases: Frevall *v.* Bashe (14 Pet., 95), Gray *v.* U. S. (21 Ct. Cls., 340).

telligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their Plenipotentiaries, to wit:

The President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States, near his Majesty the King of the French, and His Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c., &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations or destructions of their vessels, cargoes or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

Article II.

The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this Convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present Convention.

Article III.

The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

Article IV.

The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of

two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present Convention.

Article V.

As to the reclamations of French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them, in like manner as to native citizens.

Article VI.

The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles or other informations proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

Article VII.

The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates, by the gallon, (such as it is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long staple cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on short staple cottons.

ARTICLE VIII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed these articles, and thereto set their seals.

Done at Paris the fourth day of the month of July, one thousand eight hundred and thirty-one.

[SEAL.] W. C. RIVES.
[SEAL.] HORACE SEBASTIANI.

1843.

EXTRADITION CONVENTION.[a]

Concluded November 9, 1843; ratification advised by the Senate February 1, 1844; ratified by the President February 2, 1844; ratifications exchanged April 12, 1844; proclaimed April 13, 1844.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Delivery.
IV. Expenses.
V. Political crimes, etc.
VI. Duration; ratification.

The United States of America and His Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a convention for this purpose:

That is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States, and His Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, ad interim, in the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall

[a] Federal case: In re Metzger (5 How., 176). See extradition conventions 1845 and 1858, pp. 523 and 533.

be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: Murder, (comprehending the crimes designated in the French penal code by the terms, assassination, parricide, infanticide and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ARTICLE III.

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

ARTICLE IV.

The expenses of any detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ARTICLE V.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

ARTICLE VI.

This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the ninth day of November, anno Domini one thousand eight hundred and forty-three.

[SEAL.] A. P. UPSHUR.
[SEAL.] A. PAGEOT.

1845.

Additional Article to Extradition Convention.[a]

Concluded February 24, 1845; ratification advised by the Senate March 12, 1845; ratified by the President May 5, 1845; ratifications exchanged June 21, 1845; proclaimed July 24, 1845.

The crime of Robbery, defining the same to be, the felonious and forcible taking from the person of another, of goods, or money to any value, by violence or putting him in fear;—and the crime of Burglary, defining the same to be, breaking and entering by night into a mansion house of another with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*,—not being embraced in the second article of the convention of Extradition concluded between the United States of America and France, on the ninth of November, 1843, it is agreed, by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

In witness whereof, the respective Plenipotentiaries have signed the present article, in duplicate, and have affixed thereto the seal of their arms.

Done at Washington this twenty-fourth of February, 1845.

J. C. Calhoun [seal.]
A. Pageot [seal.]

1853.

Consular Convention.[b]

Concluded February 23, 1853; ratification advised by the Senate with amendments March 29, 1853; ratified by the President April 1, 1853; ratifications exchanged August 11, 1853; proclaimed August 12, 1853.

I. Officers recognized; exequaturs.
II. Privileges and immunities.
III. Inviolability of consulates.
IV. Complaints to authorities.
V. Agencies.
VI. Notarial authority.
VII. Property rights.
VIII. Settlement of shipping disputes.
IX. Deserters from ships.
X. Authority as to shipping.
XI. Shipwrecks.
XII. Most favored nation privileges.
XIII. Duration; ratification.

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the

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[a] Federal case, In re Baneusi (120 Fed. Rep., 864).

[b] Federal cases: Prevost *v.* Greneaux (19 How., 1), De Geofroy *v.* Riggs (133 U. S., 258), De Geofroy *v.* Riggs (18 Dist. Col., 331), Bahnaud *v.* Beize (105 Fed. Rep., 487), Dallemagne *v.* Moisau (197 U. S., 169), Bahnaud et al. *v.* Beize et al. (105 Fed. Rep., 485).

bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges and duties of the Consuls of the two countries. Accordingly they have named:

The President of the United States, the Honorable Edward Everett, Secretary of State of the United States; His Majesty the Emperor of the French, the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The Consuls-General, Consuls and Vice-Consuls or Consular Agents of the United States and France shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

Article II.

The Consuls-General, Consuls Vice-Consuls or Consular Agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether federal, State or municipal. If, however, the said Consuls-General, Consuls, Vice-Consuls or Consular Agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to Commercial Agents, to the same jurisdiction, as other citizens of the country who are owners of property, or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls-General, Consuls, Vice-Consuls or Consular Agents.

In case of death, indisposition or absence of the latter, the Chancellors, Secretaries, and Consular pupils attached to their offices, shall be entitled to discharge ad interim the duties of their respective posts; and shall enjoy whilst thus acting the prerogatives granted to the incumbents.

ARTICLE III.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

ARTICLE IV.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents, of both countries, shall have the right to complain to the authorities of the respective Governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the General or Federal Government of the country in which they exercise their functions.

ARTICLE V.

The respective Consuls-General, and Consuls, shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls, or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective Governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

ARTICLE VI.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned, or on board ship, the declarations of captains, crews, passengers, merchants or citizens of their country, and of executing there all requisite papers.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory

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of the nation to which the Consul or the Agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the Consuls-General, Consuls, Vice-Consuls or Consular Agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

ARTICLE VII.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

ARTICLE VIII.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

ARTICLE IX.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, may arrest the officers, sailors and all other persons making part of the crews of ships of war, or merchant vessels of their nation,

who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

Article X.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, shall receive the declarations, protests and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

Article XI.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls-General, Consuls and Vice-Consuls of the United States in France, and by the Consuls-General, Consuls and Vice-Consuls of France in the United States, and until their arrival by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

Article XII.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

Article XIII.

The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner if possible. In case neither party gives notice twelve months before the expiration of the said period of ten years of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done at the city of Washington the twenty-third day of February, anno Domini one thousand eight hundred and fifty-three.

[SEAL.] Edward Everett.
[SEAL.] Sartiges.

1858.

Additional Article to Extradition Convention.

Concluded February 10, 1858; ratification advised by the Senate, with amendment, June 15, 1858; ratified by the President June 28, 1858; ratifications exchanged February 12, 1859; proclaimed February 14, 1859.

It is agreed between the High Contracting Parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9th, 1843, and February 24th, 1845, and now in force between the two Governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories or accomplices, namely, forging or knowingly passing or putting in circulation counterfeit coin or bank notes or other paper current as money, with intent to defraud any person or persons—Embezzlement by any person or persons hired or salaried to the detriment of their Employers, when these crimes are subject to infamous punishment.

In witness whereof the respective Plenipotentiaries have signed the present article in triplicate, and have affixed thereto the seal of their arms.

Done at Washington the tenth of February, 1858.

LEW CASS.
[SEAL.]
SARTIGES.
[SEAL.]

1869.[a]

TRADE-MARK CONVENTION.

Concluded April 16, 1869; ratification advised by the Senate April 19, 1869; ratified by the President April 30, 1869; ratifications exchanged July 3, 1869; proclaimed July 6, 1869.

ARTICLES.

I. Protection of trade-marks.
II. Registration.
III. Duration.
IV. Ratification.

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries: The President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander of the Imperial Order of the Legion of Honor, &c., &c., &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles:

ARTICLE I.

Every reproduction in one of the two countries of trade-marks affixed in the other to certain merchandise to prove its origin and quality is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country.

The exclusive right to use a trade-mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country.

ARTICLE II.

If the owners of trade-marks, residing in either of the two countries, wish to secure their rights in the other country, they must de-

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[a] Federal cases: Lacroix *v.* Sarrazin (4 Woods, 174), La Republique Francaise *v.* Schultz (57 Fed. Rep., 37), In re Balensi (120 Fed. Rep., 864).

posit duplicate copies of those marks in the Patent-Office at Washington, and in the clerk's office of the Tribunal of Commerce of the Seine, at Paris.

ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications by the two Governments, and shall continue in force for ten years from this date.

In case neither of the two high contracting parties gives notice of its intention to discontinue this convention, twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

ARTICLE IV.

The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and affixed thereto the seal of their arms.

Done at Washington the sixteenth day of April, in the year of our Lord one thousand eight hundred and sixty-nine.

[SEAL.] HAMILTON FISH.
[SEAL.] BERTHEMY.

1880.[a]

CLAIMS CONVENTION.

Concluded January 15, 1880; ratification advised by the Senate March 29, 1880; ratified by the President April 3, 1880; ratifications exchanged June 23, 1880; proclaimed June 25, 1880.

ARTICLES.

I. Claims.
II. Jurisdiction of commission.
III. Vacancies.
IV. Meetings.
V. Procedure.
VI. Decision; payment.
VII. Finality of decision.
VIII. Time for presenting claims.
IX. Time of payment.
X. Record; expenses.
XI. Finality of settlement.
XII. Ratification.

The United States of America and the French Republic, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country as hereinafter defined, during a state of war or insurrection, under the circumstances hereinafter specified, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, as follows:

The President of the United States, William Maxwell Evarts, Secretary of State of the United States, and the President of the French

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[a] Burthe *v.* Denis (133 U. S., 514).

Republic, Georges Maxime Outrey, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870–'71 between France and Germany and the subsequent civil disturbances known as the "Insurrection of the Commune"; and on the other hand, all claims on the part of corporations, companies or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the United States, during the period comprised between the thirteenth day of April, eighteen hundred and sixty-one, and the twentieth day of August, eighteen hundred and sixty-six, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the French Government, and the third by His Majesty the Emperor of Brazil.

ARTICLE II.

The said Commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character, presented to them by the citizens of either country, except such as have been already diplomatically, judicially or otherwise by competent authorities, heretofore disposed of by either Government; but no claim or item of damage or injury based upon the emancipation or loss of slaves shall be entertained by the said Commission.

ARTICLE III.

In case of the death, prolonged absence or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the United States, or the Government of France, or His Majesty the Emperor of Brazil, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the date of the occurrence of the vacancy.

ARTICLE IV.

The Commissioners named as hereinbefore provided shall meet in the city of Washington at the earliest convenient time within six months after the exchange of the ratifications of this convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I. and II., which shall be laid before them on the part of the Governments of the United States and of France respectively; and such declaration shall be entered on the record of their proceedings: Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

ARTICLE V.

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission. They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

ARTICLE VI.

The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating, in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States or of France, as the case may be; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

ARTICLE VII.

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely

final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

Article VIII.

Every claim shall be presented to the Commissioners within a period of six months, reckoned from the day of their first meeting for business, after notice to the respective Governments, as prescribed in Article V of this Convention. Nevertheless, in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, in which event the period of two years herein prescribed shall not be held to include the time during which such interruption may actually exist.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

Article IX.

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article X.

Article X.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of France may each appoint and employ a Secretary versed in the language of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners, shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such

deduction shall not exceed the rate of five per centum on the sums so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

ARTICLE XI.

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided by this Convention as a full, perfect and final settlement of any and every claim upon either Government within the description and true meaning of Articles I. and II.; and that every such claim, whether or not the same may have been presented to the notice of, and made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, concluded and barred.

ARTICLE XII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within nine months from the date hereof.

In testimony whereof the respective Plenipotentiaries have signed the present convention, in the English and French languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Washington, the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] MAX OUTREY.

The Commission provided for in the foregoing Convention was duly appointed, met at Washington, November 5, 1880, and adjourned March 31, 1884, awarding $625,566.35 against the United States, and 13,659 francs 14 centimes against France.

1882.

CLAIMS CONVENTION.

Concluded July 19, 1882; ratification advised by the Senate August 8, 1882; ratified by the President December 28, 1882; ratifications exchanged December 29, 1882; proclaimed December 29, 1882.

ARTICLES.

SOLE ARTICLE: Time for examination and presenting of claims extended.

The United States of America and the French Republic, being persuaded that the labors of the Commission for the settlement of the claims of citizens of either country against the Government of the other, which was organized under the convention between the two Governments signed at Washington the fifteenth day of January, 1880, cannot be concluded within the term fixed by that convention, have deemed it expedient to conclude a supplementary convention

extending the term of duration of said Commission for a further period, and have named as their respective plenipotentiaries to that end as follows:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and

The President of the French Republic, Théodore-Justin-Dominique Roustan, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, etc., etc.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following article:

SOLE ARTICLE.

The term of two years fixed by the second paragraph of Article VIII. of the convention between the United States and the French Republic, concluded January 15, 1880, within which the Commissioners appointed thereunder shall be bound to examine and decide upon every claim presented to them, is hereby extended to July first, 1883.

Nothing in this agreement contained shall extend or alter the terms fixed in the first paragraph of said Article VIII. for the presentation of claims, but the same shall remain as therein fixed.

If the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, then the period for which the term of the Commission is hereby extended shall not be held to include the time during which such interruption may actually exist.

The present convention shall be ratified and the ratifications exchanged at Washington at as early a day as may be practicable.

In testimony whereof the respective plenipotentiaries have signed the present convention, in the English and French languages, in duplicate, and have hereunto affixed their respective seals.

Done at the city of Washington the nineteenth day of July, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] TH. ROUSTAN.

1883.

CLAIMS CONVENTION.

Concluded February 8, 1883; ratification advised by the Senate with an amendment February 21, 1883; ratified by the President April 3, 1883; ratifications exchanged June 25, 1883; proclaimed June 25, 1883.

ARTICLES.

I. Time for examination and presentation extended.
II. Time of receiving evidence; ratification.

The Government of the United States of America and the Government of the French Republic, being persuaded that the labors of the Commission for the settlement of the claims of citizens of either

country against the Government of the other, which was organized under the convention between the two Governments signed at Washington the fifteenth day of January, 1880, and which was extended to July first, 1883, by the supplementary convention of July 19th, 1882, cannot be concluded by July 1st, 1883, have deemed it expedient to conclude another supplementary convention extending the term of duration of said Commission for a further period, and have named as their respective plenipotentiaries to that end, as follows:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States, and the President of the French Republic, Théodore Justin Dominique Roustan, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, etc., etc.

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles.

ARTICLE I.

The term of two years fixed by the second paragraph of Article VIII. of the convention between the United States and the French Republic, concluded January fifteenth, 1880, within which the Commissioners appointed thereunder shall be bound to examine and decide upon every claim presented to them which was extended to July 1st, 1883, by the supplementary convention of July 19th, 1882, is hereby extended to the first day of April, A. D. 1884.

Nothing in this agreement contained shall extend or alter the terms fixed in the first paragraph of said Article VIII. for the presentation of claims, but the same shall remain as therein fixed.

If the proceedings of the Commission shall be interrupted by the death, or incapacity of any one of the Commissioners, then the period for which the term of the Commission is hereby extended shall not be held to include the time during which such interruption may actually exist.

ARTICLE II.

No testimony or evidence either in support of or in answer to any claim shall be presented to, or received by the Commission after the first day of July, 1883.

The present convention shall be ratified and the ratification exchanged at Washington at as early a day as may be practicable.

In testimony whereof the respective Plenipotentiaries have signed the present convention in the English and French languages, in duplicate, and have hereunto affixed their respective seals.

Done at the City of Washington the eighth day of February in the year of our Lord, one thousand eight hundred and eighty-three.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] TH. ROUSTAN.

1891.

COPYRIGHT PROCLAMATION CONCLUDED JULY 1, 1891.

NOTE.—See copyright proclamation, Belgium, France, Great Britain and Switzerland, page 105.

1898.[a]

Reciprocal Commercial Agreement.[a]

Concluded May 28, 1898; proclaimed May 30, 1898; in effect June 1, 1898.

Articles.

I. Concessions by France.
II. Concessions by United States.
III. Effect; duration.

PROTOCOL

of the Reciprocal Agreement between the Governments of the United States of America and of the French Republic concluded at Washington this twenty-eighth day of May 1898 by their respective Representatives duly empowered for that purpose; namely, on the part of the United States the Honorable John A. Kasson, Special Commissioner Plenipotentiary etc. and on the part of the French Republic His Excellency, M. Jules Cambon, Ambassador of France etc. etc. etc.

The Government of the United States and the Government of France being animated by the same spirit of conciliation and being equally desirous to improve their commercial relations, have concluded the following Agreement.

I.

It is agreed on the part of France that during the continuance in force of this Agreement the following articles of commerce, the product of the soil or industry of the United States, shall be admitted into France at the minimum rates of duty, to wit, not exceeding the following rates:

French Tariff No.		Per 100 kilogs.
		Francs.
19	Canned meats	15
84	Table fruits, fresh:	
	Lemons, oranges, cedrats and their varieties not mentioned	5
	Mandarin oranges	10
	Common table grapes	8
	Apples and pears:	
	For the table	2
	For cider and perry	1.50
	Other fruits except hothouse grapes and fruits	3
85	Fruits dried or pressed (excluding raisins):	
	Apples and pears:	
	For the table	10
	For cider and perry	4
	Prunes	10
	Other fruits	5
128	Common woods, logs	0.65
	Sawed or squared timber 80 mm. or more in thickness	1
	Squared or sawed lumber exceeding 35 mm. and less than 80 mm. in thickness	1.25
	Wood sawed 35 mm. or less in thickness	1.75
129	Paving blocks	1.75
130	Staves	0.75
160	Hops	30
174	ter. Apples and pears crushed, or cut and dried	1.50
	Manufactured and prepared pork meats	50
	Lard and its compounds	25

[a] Terminated by tariff act of 1909, to take effect October 31, 1909. Federal case: Nicholas *v.* U. S. (122 Fed. Rep., 892).

II.

It is reciprocally agreed on the part of the United States in accordance with the provisions of Section 3 of the United States Tariff Act of 1897 that during the continuance in force of this Agreement the following articles of commerce, the product of the soil or industry of France, shall be admitted into the United States at rates of duty not exceeding the following, to wit:

On argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

On brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

On paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

It is further agreed on the part of the United States that the rates of duty heretofore imposed and collected on still wines, the product of France, under the provisions of the United States Tariff Act of 1897 shall be conditionally suspended, and in place thereof shall be imposed and collected as follows, namely:

On still wines and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

But it is expressly understood that this latter concession may be withdrawn in the discretion of the President of the United States whenever additional duties beyond those now existing, and which may be deemed by him unjust to the commerce of the United States, shall be imposed by France on products of the United States.

III.

This Agreement shall take effect and be in force on and after the first day of June 1898.

Signed in duplicate this twenty-eighth day of May A. D. 1898, in the City of Washington.

JOHN A. KASSON
JULES CAMBON

1902.[a]

AMENDATORY RECIPROCAL COMMERCIAL AGREEMENT WITH FRANCE.

Concluded August 20, 1902; proclaimed August 22, 1902.

ARTICLES.

I. Algeria; Porto Rico. | II. Effect; duration.

The United States of America and the French Republic, finding it expedient to amend the Commercial Agreement between the two

[a] Terminated Oct. 31, 1909. Federal cases; Fernan *v.* U. S. (144 Fed. Sep., 683).

countries, signed at Washington on the 28th day of May, 1898, have named for this purpose their respective Plenipotentiaries, to wit:—

The President of the United States of America, the Honorable Alvey A. Adee, Acting Secretary of State of the United States of America; and

The President of the French Republic, Mr. Pierre de Margerie, Chargé d'Affaires of France at Washington;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed to the following additional and amendatory articles to be taken as part of said Agreement:

ARTICLE I.

The High Contracting Parties mutually agree that the provisions of the said Agreement shall apply also to Algeria and the Island of Porto Rico. It is further agreed on the part of the French Republic that coffee, the product of Porto Rico, shall enjoy until the 23rd day of February, 1903, the benefit of the minimum customs tariff of France on that article.

ARTICLE II.

This Amendatory and Additional Agreement shall take effect from and after the date of the President's Proclamation which shall give effect thereto, and shall be and continue in force during the continuance in force of the said Commercial Agreement, signed May 28th, 1898.

Done in duplicate in English and French texts at Washington this twentieth day of August, one thousand nine hundred and two.

[SEAL] ALVEY A. ADEE
[SEAL] PIERRE DE MARGERIE

1904.

RELATIONS IN TUNIS.

Signed March 15, 1904; ratification advised by the Senate March 24, 1904; ratified by the President May 6, 1904; ratifications exchanged May 7, 1904; proclaimed May 9, 1904.

ARTICLES:

I. Renunciation of treaties with Tunis, etc.
II. Ratification.

The President of the United States of America and the President of the French Republic, acting in his own name as well as in that of His Highness the Bey of Tunis, desiring to determine the relations between the United States and France in Tunis, and desiring to define the treaty situation of the United States in the Regency, have named for that purpose the following plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States; and

The President of the French Republic, J. J. Jusserand, Ambassador Extraordinary and Plenipotentiary of France at Washington;

Who, after communicating to each other their full powers, which were found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The Government of the United States declares that it renounces the right of invoking in Tunis the stipulations of the Treaties made between the United States and the Bey of Tunis in August 1797, and in February 1824, and that it will refrain from claiming for its Consuls and citizens in Tunis other rights and privileges than those which belong to them in virtue of international law or which belong to them in France by reason of treaties in existence between the United States and France.

The Government of the French Republic agrees on its side to assure these rights and privileges in Tunis to the Consuls and citizens of the United States and to extend to them the advantage of all treaties and conventions existing between the United States and France.

ARTICLE II.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the foregoing Articles and have affixed their seals.

Done in duplicate at Washington, in the English and French languages, the 15th day of March, in the year 1904.

JOHN HAY [SEAL.]
JUSSERAND [SEAL.]

1905.

PROTECTION OF TRADE-MARKS IN CHINA.

Agreement effected by exchange of notes October 3, 1905.

AMERICAN LEGATION,
Peking, China, October 3, 1905.

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of the French Republic for the reciprocal protection against infringement in China by citizens of our respective nations of trade marks duly registered in the United States and France, I am authorized, by the Secretary of State of the United States, to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of France which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of France in China as regards the protection from infringement of their trade marks duly registered in France.

I have the honor to be, My dear Colleague, Your obedient servant,

W. W. ROCKHILL.

His Excellency Monsieur DUBAIL,
etc., etc., etc.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC IN CHINA,
Peking, October 3, 1905.

MR. MINISTER AND DEAR COLLEAGUE: By your despatch of this day Your Excellency has been pleased to inform me that the Government of the United States of America being desirous of reaching an understanding with the Government of the Republic for the reciprocal protection of trade marks, you have been authorized to state to me that the American Consular Courts in China are competent in all matters relating to the counterfeiting of trade marks by persons under the jurisdiction of the United States.

Any complaint made by a person under French jurisdiction to an American Consular Court for the purpose of securing against persons under American jurisdiction protection for a trade mark duly registered in the United States of America will be heard by said courts in first instance and on appeal by the competent courts.

I have the honor to confirm to Your Excellency this declaration which responds to the request I had made you.

So as to perfect the understanding thus arrived at by both countries I am authorized to state on my side to Your Excellency that the Government of the Republic will willingly insure in China protection for duly registered American trade marks which may be counterfeited by persons under French jurisdiction.

To that end French Consular Courts in China, for complaints in first instance, and the Court of Saigon, for appeals, will be competent to hear all such cases presented by persons under American jurisdiction.

Please accept, Mr. Minister and dear Colleague, the assurance of my highest consideration.

G. DUBAIL.

PEKING, *January 22, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with Your Excellency on October 3, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of France.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc., of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of October 3. last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL.

To His Excellency M. DUBAIL,
etc., etc., etc.

1908.[a]

ADDITIONAL COMMERCIAL AGREEMENT.

Signed January 28, 1908.

ARTICLES.

I. Concessions by France.
II. Concessions by the United States.
III. Commission to examine regulations.
IV. Effect; duration.

The Government of the United States of America and the Government of the French Republic, considering it appropriate to supplement by a new additional Agreement the Commercial Agreements signed between the two countries, at Washington, on May 28, 1898, and August 20, 1902, respectively, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, the Honorable Elihu Root, Secretary of State of the United States; and

The President of the French Republic, His Excellency J. J. Jusserand, Ambassador of the French Republic to the United States of America,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

It is agreed, on the part of the French Government that the application of the duties of the general tariff to coffee, cacao, chocolate, vanilla and other food products known in the French tariff law as "*denrées coloniales de consommation*," except sugar and its by-products and tobacco, products of the United States, including Porto Rico, shall be conditionally suspended and that the said products shall be admitted into France and Algeria at the rates of the minimum tariff or at the lowest rates applied to the like products of any other foreign origin.

In addition, mineral oils from the United States and coming under the decree of July 7, 1893, shall upon entry into France and Algeria enjoy the benefits of the lowest rates of duty.

But it is expressly understood that these concessions may be withdrawn in the discretion of the President of the French Republic whenever additional duties beyond those now existing and which may be deemed by him unjust to the commerce of France shall be imposed by the United States on products of France.

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[a] Terminated October 31, 1909, under tariff act of 1909.

ARTICLE II.

It is reciprocally agreed on the part of the United States, in accordance with the provisions of Section 3 of the United States Tariff Act of 1897, that the rates of duty heretofore imposed and collected, under the said Act, on Champagne and all other French sparkling wines upon entering the United States and the Island of Porto Rico shall be conditionally suspended and, instead, the following duties shall be imposed and collected, to wit:

On Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

But it is expressly understood that this concession may be withdrawn in the discretion of the President of the United States whenever additional duties beyond those now existing and which may be deemed by him unjust to the commerce of the United States shall be imposed by France on products of the United States.

ARTICLE III.

It is further agreed that, inasmuch as complaints have arisen in both countries regarding the effect of the regulations in force in the respective countries affecting the admission of each other's products, and to the end that if there be in the regulations of either country any provisions which unnecessarily restrict trade, such provisions may be modified, and the cause of complaint removed, a commission of three experts shall be appointed by the Government of the United States and a like commission of three experts shall be appointed by the Government of France. Such Commissions shall in conference each with the other inquire into and ascertain fully the existing conditions in each country as bearing upon the necessity of the regulations affecting the trade of the other country and as bearing upon the practicability of reciprocal tariff concessions. Each commission shall report to its own Government thereon.

It is further agreed that upon the basis of the report so made the two Governments shall enter upon an exchange of views to the end that if possible all cause of complaint in their respective regulations regarding the admission of any of the products of either country to the other may be removed.

ARTICLE IV.

This additional Agreement shall take effect and be in force on and after the first day of February, one thousand nine hundred and eight, and shall continue in force so long as the Agreements signed on May 28, 1898, and August 20, 1902, shall remain in force.

Done in duplicate in English and French texts at Washington, this twenty-eighth day of January, one thousand nine hundred and eight.

ELIHU ROOT [SEAL]
JUSSERAND [SEAL]

1908.

Arbitration Convention.

Signed at Washington February 10, 1908; ratification advised by the Senate February 19, 1908; ratified by the President February 27, 1908; ratifications exchanged at Washington March 12, 1908; proclaimed March 14, 1908.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Ratification.

The Government of the United States of America and the Government of the French Republic, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have authorized the Undersigned to conclude the following arrangement:—

Article I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

Article II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate, and on the part of France they will be subject to the procedure required by the constitutional laws of France.

Article III.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; it shall become effective on the day of such ratification, and shall remain in force for a period of five years thereafter.

Done in duplicate in the English and French languages, at Washington, this tenth day of February, in the year 1908.

Elihu Root [seal]
Jusserand [seal]

GERMAN EMPIRE.

The formation of the German Empire in 1871 by the consolidation of the North German Union, etc., has in some instances abrogated the treaties entered into with the independent German governments now embraced in the Empire, but reference is here given to all the separate governments with which treaties have been concluded.

See Baden, Bavaria, Bremen, Brunswick and Lüneberg, Hanover, Hanseatic Republics, Hesse, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Nassau, North German Union, Oldenburg, Prussia, Saxony, Schaumburg-Lippe, Württemburg.

1871.

Consular Convention.[a]

Concluded December 11, 1871; ratification advised by the Senate January 18, 1872; ratified by the President January 26, 1872; ratifications exchanged April 29, 1872: proclaimed June 1, 1872.

Articles.

I. Consular officers.
II. Exequaturs.
III. Privileges and immunities.
IV. Arms and flags.
V. Inviolability of consulates.
VI. Temporary vacancies.
VII. Consular agencies.
VIII. Communications with authorities.
IX. Notarial authority.
X. Property of decedents.
XI. Effects of deceased sailors and passengers.
XII. Authority over ships.
XIII. Disputes between officers and crews of ships.
XIV. Deserters from ships.
XV. Damages to vessels at sea.
XVI. Shipwrecks.
XVII. Trade-mark protection.
XVIII. Duration; ratification.
Protocol. As to meaning of "property," and "deceased citizens."

The President of the United States of America and His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire, led by the wish to define the rights, privileges, immunities and duties of the respective Consular Agents, have agreed upon the conclusion of a Consular Convention, and for that purpose have appointed their Plenipotentiaries, namely:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States, near His Majesty the Emperor of Germany; His Majesty the Emperor of Germany, King of Prussia, Bernard König, His Privy Councillor of Legation; who have agreed to and signed the following articles:

Article I.

Each of the Contracting Parties agrees to receive from the other Consuls-General, Consuls, Vice-Consuls and Consular Agents in all

[a] Federal cases: The Burchard (42 Fed. Rep., 608), Richter *v.* Reynolds (59 Fed. Rep., 577), The Neck (138 Fed. Rep., 144), The Baker (171 Fed. Rep., 485).

its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the Contracting Parties without also applying to every other Power.

ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, Federal, State or communal, judicial, or executive of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

ARTICLE III.

The respective Consuls-General, Consuls, Vice-Consuls or Consular Agents, as well as their Chancellors and Secretaries, shall enjoy in the two countries all privileges, exemptions and immunities which have been granted, or may in future be granted, to the Agents of the same rank of the most favored nation. Consular officers, not being citizens of the country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billetings and contributions, from military service of every sort and other public duties, and from all direct or personal or sumptuary taxes, duties and contributions, whether Federal, State or municipal. If, however, the said consular officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction, as citizens of the country, property-holders or merchants. But under no circumstances shall their official income be subject to any tax. Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities. Consular officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

ARTICLE IV.

Consuls-General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on the consular edifice, except in places where a legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept in a separate enclosure.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

ARTICLE VI.

In the event of the death, prevention or absence of Consuls-General, Consuls, Vice-Consuls and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives and immunities granted by this convention to the incumbents.

ARTICLE VII.

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the Government of the country which he represents. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article III.

ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have the right to apply to the authorities of the respective countries, whether Federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two countries, or their Chancellors, shall have the right, conformably to the laws and regulations of their country.

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country, and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular Agent, under his official seal, shall be received by public officials, and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

Article X.

In case of the death of any citizen of Germany in the United States, or of any citizen of the United States, in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are duly represented.

In all successions to inheritances, citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay, if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

Article XI.

Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two countries are exclusively charged with the inventorying and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation who die, either on board ship or on land, during the voyage or in the port of destination.

Article XII.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and

clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant-vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

They shall also give due notice to the said consular officers, in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to Consuls, Vice-Consuls or Consular Agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

ARTICLE XIII.

Consuls-General, Consuls, Vice-Consuls or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it, in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held during the whole time of their stay in the port at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

The expenses of the arrest and detention of those persons shall be paid by the Consuls.

ARTICLE XIV.

Consuls-General, Consuls, Vice-Consuls or Consular Agents may arrest the officers, sailors and all other persons making part of the crews of ships of war or merchant-vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

To that end, the Consuls of Germany in the United States shall apply to either the Federal, State or municipal courts or authorities, and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing

for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

Article XV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third Power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

Article XVI.

In the event of a vessel belonging to the Government or owned by a citizen of one of the two contracting parties being wrecked, or cast on shore, on the coast of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform the Consul-General, Consul, Vice-Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualling, or, if necessary, to the sale of the vessel wrecked or cast on shore.

For the intervention of the local authorities, no charges shall be made, except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of a shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

Article XVII.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

Article XVIII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be exchanged at Berlin within the period of six months.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Berlin, the eleventh of December, 1871.

[SEAL.] Geo. Bancroft.
[SEAL.] B. Köenig.

PROTOCOL.[a]

The undersigned met this day, in order to effect the exchange of the ratifications of the Consular Convention, signed on the eleventh day of December, 1871, between the United States of America and Germany.

Before proceeding to this act, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, declared:

1. That, in accordance with the instruction given him by his Government, with the advice and consent of the Senate, the expression "property," used in the English text of Articles III and IX, is to be construed as meaning and intending "real estate."

2. That, according to the laws and the Constitution of the United States, Article X applies, not only to persons of the male sex, but also to persons of the female sex.

After the undersigned, President of the office of the Chancellor of the Empire, had expressed his concurrence with this declaration, the acts of ratification, found to be in good and due form, were exchanged, and the present Protocol was in duplicate executed.

Berlin, the twenty-ninth April, 1872.

Geo. Bancroft.
Delbrueck.

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[a] By resolution of April 24, 1872, the Senate advised consent to the execution of this Protocol.

1889.

GENERAL ACT CONCERNING SAMOAN ISLANDS, 1889.

Concluded June 14, 1889.

NOTE.—For text of this general act between United States, Germany, and Great Britain, see "Samoan Islands," page 1576.

1899.

ADJUSTMENT OF QUESTIONS CONCERNING SAMOAN ISLANDS.

Concluded December 2, 1899.

NOTE.—For text of this treaty see "Samoan Islands," page 1595.

1899.

SETTLEMENT OF SAMOAN CLAIMS.

Concluded November 7, 1899.

NOTE.—For text of this treaty between United States, Germany, and Great Britain, see "Samoan Islands," page 1589.

1892.

COPYRIGHT AGREEMENT.

Concluded January 15, 1892.

ARTICLES.

I. Copyrights in Germany.
II. Copyrights in the United States.
III. Ratification; duration.

The President of the United States of America, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, being actuated by the desire to extend to their subjects and citizens the full benefit of the legal provisions in force in both countries in regard to copyright, have, to this end, decided to conclude an agreement, and have appointed as their plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, Alfons Mumm von Schwarzenstein, his chargé d'affaires near the Government of the United States of America, who, being duly authorized, have concluded the following agreement, subject to due ratification:

ARTICLE I.

Citizens of the United States of America shall enjoy, in the German Empire, the protection of copyright as regards works of literature and art, as well as photographs, against illegal reproduction, on the same basis on which such protection is granted to subjects of the Empire.

ARTICLE II.

The United States Government engages, in return, that the President of the United States shall, in pursuance of section 13 of the act of Congress of March 3, 1891, issue the proclamation therein provided for in regard to the extension of the provisions of that act to German subjects, as soon as the Secretary of State shall have been officially notified that the present agreement has received the necessary legislative sanction in the German Empire.

ARTICLE III.

This agreement shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

The agreement shall go into operation at the expiration of three weeks from the date of the exchange of its ratifications, and shall be applicable only to works not published at the time when it shall have gone into operation. It shall remain in force until the expiration of three months from the day on which notice of a desire for the cessation of its effects shall have been given by one of the contracting parties.

Done in duplicate, in the English and German languages, at the city of Washington, this 15th day of January, 1892.

JAMES G. BLAINE. [SEAL.]
A. v. MUMM. [SEAL.]

1900.[a]

RECIPROCAL COMMERCIAL ARRANGEMENT WITH GERMANY.

Concluded July 10, 1900; proclaimed July 13, 1900.

ARTICLES.

I. Concessions by United States.
II. Concessions by Germany.
III. Effect; duration.

The Undersigned, on behalf of their respective Governments have concluded the following Commercial Agreement.

I. In conformity with the authority conferred on the President in Section 3 of the Customs Act of the United States approved July 24, 1897, it is agreed on the part of the United States that the following products of the soil and industry of Germany imported into the United States shall, from and after the date when this Agreement shall be put in force, be subject to the reduced Tariff rates provided by said Section 3, as follows:—

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

[a] Denounced by Germany to take effect February 28, 1906.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

II. Reciprocally the Imperial German Government guarantees to the products of the United States on their entry into Germany the Tariff rates which have been conceded by the Commercial Treaties concluded during the years 1891–1894 between Germany on the one part, and Belgium, Italy, Austria-Hungary, Roumania, Russia, Switzerland and Serbia on the other part.

Moreover, the Imperial German Government will as soon as this Agreement shall be put in force, annul the regulations providing that the dried or evaporated fruits imported from the United States into Germany be inspected on account of the San José scale. These fruits shall during the continuance in force of this Agreement be admitted into Germany without other charges than the payment of the Customs duties to which they may now or in future be subject by law.

III. From and after the date of the President's Proclamation which shall give effect to this Agreement, the same shall be in force and shall continue in full force until three months from the date when either Party shall notify the other of its intention to terminate the same.

Done in duplicate in English and German texts at Washington this tenth day of July one thousand nine hundred.

JOHN HAY [SEAL.]
Secretary of State of the United States of America.

HOLLEBEN [SEAL.]
Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty the German Emperor, King of Prussia.

1901.

AGREEMENT BY EXCHANGE OF NOTES WITH GERMANY FOR THE RECIPROCAL PROTECTION OF TRADE-MARKS IN MOROCCO.

Concluded September 28–October 8, 1901.

[Translation.]

No. 4. TANGIER, *September 28th, 1901.*

Mr. CONSUL-GENERAL:

I have the honor to acknowledge the receipt of your letter of the 26th inst., in which you inform me that you have been empowered

by your Government to enter into a reciprocal agreement on the basis of that existing between the United States and Great Britain, by which Trade-Marks registered in Germany and the United States will be protected against infringements by German and United States citizens in Morocco, by mutual protection of both Governments.

As I have already had the honor to point out in my letter of July 10th of this year addressed to the Consulate-General, the legal condition so far as Germany is concerned is already of such a nature, that American merchants are able to claim, without difficulty, the protection of German Consular Courts for Trade-Marks registered in Germany in their dealings with German subjects in Morocco. It will therefore be sufficient, in order to perfect a reciprocal agreement, that, in view of the powers granted to you by your Government, you should declare that the same protection should in future be extended in Morocco to Trade-Marks of German merchants, previously registered in the United States, by the U. S. Consular Courts in Morocco, against encroachments of American citizens.

If you could make such a declaration in the name of your Government, I should receive the same with Great pleasure, and I beg of you to receive the expression of my high consideration

(Signed) VON BRÜNING.

Mr. S. R. GUMMERE,
Consul-General of the United States Tangier.

[Translation.]

TANGIER, *October 8th, 1901.*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 28th of September, 1901, by which you inform me that the German law extends protection in Morocco to the foreign trade-marks duly registered in Germany.

Thanking you for this communication I hereby beg to assure you that the protection will be equally granted by the American consular authorities in Morocco to the German Trade-Marks which have been duly registered in the United States in conformity with the laws.

Accept, Sir, the assurance of my high consideration.

(Signed) S. R. GUMMERE.

Monsieur VON BRUNING,
Charge d'Affaires of Germany.

1905.

PROTECTION OF TRADE-MARKS IN CHINA.

Agreement effected by exchange of notes December 6, 1905.

DECEMBER 6, 1905.

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of Germany for the reciprocal protection against infringement in China by citizens and subjects of our respective na-

tions of trade marks duly registered in the United States and Germany, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Germany in China as regards the protection from infringement of their trade marks duly registered in Germany.

I have the honor to be, Mr. Minister and dear Colleague, Your obedient servant,

W. W. Rockhill.

His Excellency, Baron von Mumm,
etc., etc., etc.

[Translation.]

Imperial German Legation,
Peking, December 6, 1905.

Mr. Minister: I have the honor to acknowledge the receipt of your letter of this date informing me that you have been authorized by your Government to effect with me, by an exchange of notes, an agreement for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in Germany and the United States.

You furthermore inform me that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I have the honor to inform you in reply that I have been authorized by the Chancellor of the German Empire to enter into this reciprocal agreement, and to state that German Consular Courts in China are empowered under the German law for the protection of trade marks of May 12th, 1894, to prosecute and punish all persons subject to their jurisdiction for infringement of trade marks the property of persons coming under the jurisdiction of the United States when duly registered in Germany.

Furthermore, for the purpose of putting this arrangement into effect, I am authorized and ready to instruct the German Consular representatives in China in accordance therewith, subject to your taking similar action.

I avail myself of this opportunity to renew the assurances of my highest consideration.

A. v. Mumm.

Hon. W. W. Rockhill,
etc., etc., etc.

PEKING, *January 22, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with Your Excellency on December 6, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of Germany.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of December 6th, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL.

To His Excellency BARON VON MUMM,
etc., etc., etc.

1906.[a]

COMMERCIAL PROCLAMATION, 1906.

RECIPROCITY WITH GERMANY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Government of Germany has taken action, extending, on and after March 1, 1906, and until June 30, 1907, or until further notice, the benefit of the German conventional customs tariff to the products of the soil or industry of the United States, by which action in the judgment of the President reciprocal concessions are established in favor of the said products of the United States:

Now, Therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by the third section of the Tariff Act of the United States, approved July 24, 1897, do hereby suspend, during the continuance in

[a] Superseded by agreement of April 27, 1907.

force of the said concessions by the Government of Germany, the imposition and collection of the duties imposed by the first section of said Act upon the Articles hereinafter specified, being the products of the soil or industry of Germany; and do declare in place thereof the following rates of duty provided in the third section of said Act to be in force and effect on and after March 1, 1906, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-seventh day of February, in the year of our Lord one thousand nine hundred
[seal.] and six, and of the Independence of the United States of America the one hundred and thirtieth.

Theodore Roosevelt.

By the President:
Elihu Root,
Secretary of State.

1907.[a]

Commercial Agreement

Signed April 27, 1907–May 2, 1907.

Articles.

I. Concessions by United States.
II. Customs and consular regulations.
III. Concessions by Germany.
IV. Importations through third country.
V. Application to territories.
VI. Ratification.

The President of the United States of America, on the one hand, and His Majesty the German Emperor, King of Prussia, in the name

[a] Terminated on notice given by United States under the direction of the Tariff Act of 1909, to take effect Feb. 6, 1910.

of the German Empire, on the other, animated by a desire to adjust the commercial relations between the two countries until a comprehensive commercial treaty can be agreed upon, have decided to conclude a temporary Commercial Agreement, and have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, the Honorable Elihu Root, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Baron Speck von Sternburg, His Ambassador Extraordinary and Plenipotentiary to the United States of America,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

Article I.

In conformity with the authority conferred on the President of the United States in Section 3 of the Tariff Act of the United States approved July 24, 1897, it is agreed on the part of the United States that the following products of the soil and industry of Germany imported into the United States shall, from and after the date when this Agreement shall be put in force, be subject to the reduced Tariff rates provided by said Section 3, as follows:

Argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

Article II.

It is further agreed on the part of the United States that the modifications of the Customs and Consular Regulations set forth in the annexed diplomatic note, and made a part of the consideration of this Agreement, shall go into effect as soon as possible and not later than from the date when this Agreement shall be put in force.

ARTICLE III.

Reciprocally, the Imperial German Government concedes to the products of the soil and industry of the United States enumerated in the attached list upon their importation into Germany the rates of duty indicated therein.

ARTICLE IV.

The provisions of Articles I and III shall apply not only to products imported directly from the country of one of the contracting parties into that of the other, but also to products which are imported into the respective countries through a third country, so long as such products have not been subject to any further processes of manufacture in that country.

ARTICLE V.

The present Agreement shall apply also to countries or territories which are now or may in the future constitute a part of the Customs territory of either contracting party.

ARTICLE VI.

The present Agreement shall be ratified by His Majesty the German Emperor, King of Prussia, as soon as possible, and upon official notice thereof the President of the United States shall issue his proclamation giving full effect to the respective provisions of this Agreement.

This Agreement shall take effect on July 1, 1907, and remain in force until June 30, 1908. In case neither of the contracting parties shall have given notice six months before the expiration of the above term of its intention to terminate the said Agreement, it shall remain in force until six months from the date when either of the contracting parties shall notify the other of its intention to terminate the same.

Done in duplicate in English and German texts.

In testimony whereof, the Plenipotentiaries above mentioned have subscribed their names hereto at the places and on the dates expressed under their several signatures.

ELIHU ROOT [SEAL.]
WASHINGTON, *April 22, 1907.*

STERNBURG. [SEAL.]
LEVICO, *May 2, 1907.*

DEPARTMENT OF STATE,
Washington, April 22, 1907.

EXCELLENCY:

Referring to the Commercial Agreement signed this day between the Imperial German Government and the Government of the United States, I have the honor to inform you that instructions to the customs and consular officers of the United States and others concerned

will be issued to cover the following points and shall remain in force for the term of the aforesaid Agreement:

A.

Market value as defined by section 19 of the Customs Administrative Act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

B.

Statements provided for in section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The Consular Regulations of 1896, paragraph 674, shall be amended accordingly.

C.

In reappraisement cases, the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisement is based.

D.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the Consular Regulations of 1896 relative to "swearing to the invoice" shall be revoked.

E.

Special agents, confidential agents, and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principle as to *personæ gratæ* shall apply to these officials.

F.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT

His Excellency
BARON SPECK VON STERNBURG,
Imperial German Ambassador.

RATES OF IMPORT DUTY IN GERMANY.

The German general tariff mentioned in this list is the Customs Tariff of December 25, 1902, as formulated by the German Customs Law of the same day.

Numbers of the German general tariff.	Articles.	Rate of duty.
		Marks.
1	Rye.....per 100 kilos..	5.00
2	Wheat and spelt.....do....	5.50
3	Barley:	
	Malting barley.....do....	4.00
	Other barley.....do....	1.30
4	Oats.....do....	5.00
7	Maize (Indian corn) and sorghum [Dari].....do....	3.00
10	Rice, not cleaned [*unpoliert*].....do....	4.00
11	Beans for food.....do....	2.00
	Pease, lentils.....do....	1.50
12	Beans for fodder (horse beans, etc.), lupines, vetches.....do....	1.50
15	Linseed, hemp seed.....	Free.
18	Red-clover seed, white-clover seed, and other clover seed.....	Free.
19	Grass seed of all kinds.....	Free.
ex 45	Grapes:	
	Fresh—	
	Table grapes, sent otherwise than by post in packages weighing up to 5 kilos, inclusive.....per 100 kilos..	4.00
	Other.....do....	10.00
ex 46	Walnuts and hazelnuts, unripe (green) or ripe, even if shelled, ground, or otherwise broken up or simply prepared.....per 100 kilos..	2.00
	(ex 47-49 Other fruit):	
ex 47	Fresh—	
	Apples, pears, quinces—	
	Sent by post in packages weighing not more than 5 kilos.....	Free.
	Imported otherwise—	
	Unpacked or only in sacks of at least 50 kilos gross weight—	
	From September 1 to November 30.....	Free.
	From December 1 to August 31.....per 100 kilos..	2.00
	Otherwise packed—	
	In single covering.....do....	3.20
	In more than one covering.....do....	5.00

Numbers of the German general tariff.	Articles.	Rate of duty.
	(ex 47-49 Other fruit)—Continued.	
ex 47	Fresh—Continued.	*Marks.*
	Apricots	Free.
	Peaches—	
	Sent by post in packages weighing not more than 5 kilos	Free.
	Imported otherwise, per 100 kilos	2.00
	Medlars	Free.
	Plums of all kinds, cherries, mahaleb cherries [*Weichseln*]—	
	Sent by post in packages weighing not more than 5 kilos	Free.
	Imported otherwise—	
	Prunus domestica [*Hauszwetschgen*]—	
	From September 1 to November 30	Free.
	From December 1 to August 31, per 100 kilos	2.00
	Other plums, do	2.00
	Cherries for use in the distillation of spirits, by permission and with control over their use	Free.
	Other cherries; mahaleb cherries [*Weichseln*], per 100 kilos	1.00
	Hips and sloes and other stone or kernel fruit not mentioned above	Free.
	Strawberries—	
	Sent by post in packages weighing not more than 5 kilos	Free.
	Imported otherwise, per 100 kilos	10.00
	Raspberries, currants, gooseberries, blackberries, bilberries (huckleberries), elderberries, juniper berries, and other edible berries, except cranberries	Free.
	Note.—Apples, pears, and quinces, fresh, are treated as unpacked if they are imported loose or in sacks of at least 50 kilos gross weight in vehicles provided with not more than eight compartments.	
	Similarly, apples, pears, and quinces, fresh, are treated as unpacked if imported loose or in sacks of at least 50 kilos gross weight in ships provided with compartments on condition that the capacity of each compartment is not less than 6 cubic meters.	
	The compartments of vehicles or ships may be carpeted or covered with straw or lined with paper or straw, or may even be formed of layers of straw.	
48	Dried, kiln-dried (cut up and peeled or not)—	
	Apples and pears, including waste capable of use, per 100 kilos	4.00
	Apricots and peaches, do	4.00
	Plums of all kinds—	
	Loose or in casks or sacks weighing at least 50 kilos gross weight, per 100 kilos	4.00
	In boxes weighing at least 10 kilos gross weight, per 100 kilos	5.00
	Packed otherwise, do	6.00
	Other dried or kiln-dried fruit, do	4.00
49	Ground, pulped, powdered, or otherwise broken; also salted, cooked without sugar, or otherwise simply prepared; fermented, per 100 kilos	4.00
ex 51	Oranges, fresh, do	3.25
ex 59	Juices of fruits [*Obst*] (except of grape), not fermented, not containing ether or alcohol, not boiled down, or boiled down without the addition of sugar, sterilized or not, per 100 kilos	4.00
	(74-76) Timber for building and industrial purposes, not separately mentioned in the general tariff:	
74	Rough or merely cut across with the ax or saw, with or without the bark—	
	Hard, per 100 kilos	.12
	Hard, or per cubic meter	1.08
	Soft, per 100 kilos	.12
	Soft, or per cubic meter	.72
75	Hewn longitudinally or otherwise prepared or cut up with the ax; also shavings produced by rending and shavings intended for the clarification of liquids produced otherwise than by rending—	
	Hard, per 100 kilos	.24
	Hard, or per cubic meter	1.92
	Soft, per 100 kilos	.24
	Soft, or per cubic meter	1.44
76	Sawn longitudinally or otherwise prepared, not planed—	
	Hard, per 100 kilos	.72
	Hard, or per cubic meter	5.76
	Soft, per 100 kilos	.72
	Soft, or per cubic meter	4.32
	Notes to Nos. 75 and 76.	
	Shingle boards grooved by the saw only will pay duty under No. 76 as shingle boards merely sawn.	
	Square timber (baulks, planks, etc.) hewn longitudinally, sawn or otherwise prepared, not planed, having only peg holes, pegs, slits, grooves, or bored holes, will pay conventional duty under Nos. 75 and 76, with a surtax as follows:	
	If the duty is paid by weight, 0.20 mark per 100 kilos.	
	If the duty is paid by volume—	
	Hardwood, 1.60 marks per cubic meter.	
	Soft wood, 1.20 marks per cubic meter.	

Numbers of the German general tariff.	Articles.	Rate of duty.
	(74-76) Timber for building and industrial purposes, etc.,—Continued.	
76	Sawn longitudinally or otherwise prepared, not planed—Continued.	
	Notes to Nos. 74–76.	
	1. Wood for building or industrial purposes, merely steamed (not at the same time colored), as also the same wood impregnated or otherwise chemically treated with the object only of increasing its durability, will pay duty under Nos. 74–76 without a surtax. Colored wood, or wood chemically treated for the purpose of being colored, is subjected to a surtax as follows:	
	If the duty is paid by volume, per cubic meter..... 2.40 marks.	
	If the duty is paid by weight, per 100 kilos—	
	Hard wood..... .30 mark.	
	Soft wood..... .40 mark.	
	2. The duty on wood included under these numbers may be paid either by weight or by measure, at the importer's option.	
81	Wooden blocks for paving:	*Marks.*
	Hard wood..... per 100 kilos.....	0.72
	or per cubic meter..	5.76
	Soft wood..... per 100 kilos.....	.72
	or per cubic meter..	4.32
	Note.—Wooden paving blocks, steamed, impregnated, or otherwise chemically treated, pay the conventional rates of No. 81, without surtax.	
82	Naves, fellies, spokes, as well as pieces of wood recognizable as roughly shaped for these objects:	
	Of hard wood..... per 100 kilos.....	.72
	or per cubic meter..	5.76
	Of soft wood..... per 100 kilos.....	.72
	or per cubic meter..	4.32
83	Wood for casks (staves and headings), also pieces of wood recognizable as roughly shaped for these objects, not colored, not planed:	
	Of oak..... per 100 kilos.....	.20
	or per cubic meter..	1.60
	Of other hard wood..... per 100 kilos.....	.30
	or per cubic meter..	2.40
	Of soft wood..... per 100 kilos.....	.30
	or per cubic meter..	1.80
	Note.—The duty on wood for casks is not affected by mere treatment with the drawing knife or by smoothing the edges with the plane.	
	(ex 100–107) Live stock:	
104	Sheep.....per 100 kilos live weight..	8.00
105	Goats.....	Free.
106	Hogs.....per 100 kilos live weight..	9.00
107	Poultry—	
	Geese.....	Free.
	Fowls of all kinds and other poultry.....per 100 kilos net weight..	4.00
108	Meat, except bacon, and edible entrails of animals, except those of poultry:	
	Fresh or chilled.....per 100 kilos..	35.00
	Frozen.....do....	35.00
	Note.—Hogs, cut up, including the bacon adhering thereto, are dutiable at the conventional rate of 35 marks.	
	Simply prepared.....per 100 kilos..	35.00
	Prepared for the table.....do....	75.00
	Notes.	
	1. Slaughtered animals, fit for consumption, pay the same duty as fresh meat.	
	2. Fresh and simply prepared meat, free from bone (also tongues, but not edible entrails), is subject to a surtax of 10 per cent.	
	Pickled and smoked hams (fore and hind hams) pay the conventional rate on meat simply prepared, without a surtax.	
ex 110	Poultry:	
	Killed, not prepared, carved up or not.....per 100 kilos..	14.00
	Larded or otherwise simply prepared.....do....	20.00
ex 126	Greases and grease-like fats (hog's lard, goose grease, beef marrow, and other grease-like fats), except oleomargarine.....per 100 kilos..	10.00
127	Hog's fat and goose fat, raw (not rendered nor pressed), except bacon and intestinal fat; also edible greaves.....per 100 kilos..	5.00
ex 162	Flour, burned or roasted or not, of grain, except oats.....do....	10.20
ex 180	Wine and fresh must of grapes, sterilized or not, in casks or tank wagons, of an alcoholic strength of not more than 14 per cent by weight.....per 100 kilos..	20.00
ex 185	Fruit wine (also fruit must in process of fermentation) in casks.....per 100 kilos..	3.00
198	Common baker's produce (without the addition of eggs, lard, spices, sugar, or the like).....per 100 kilos..	10.20
ex 219	Articles of food or consumption of all sorts (not including beverages) in hermetically sealed receptacles, unless subject as such to higher duties:	
	Apricot sauce, without addition of sugar or sirup, in tin receptacles, weighing at least 5 kilos.....per 100 kilos..	5.00
	Preserved tomatoes; olives, whether preserved or not in vinegar, oil, or brine, per 100 kilos.....	30.00
	Other articles of food or consumption, except milk and cream, in hermetically sealed receptacles, so far as they are not subject to higher rates of duty as such, per 100 kilos.....	60.00

Numbers of the German general tariff.	Articles.	Rate of duty.
225	Pumice stone, emery, Vienna lime (powdered quicklime for polishing or cleaning), tripoli and similar mineral grinding, polishing, and cleaning substances, raw, ground, or washed:	*Marks.*
	In boxes, glasses, jars, or other packages suitable for retail sale, per 100 kilos	2.00
	In other receptacles, also shaped in bricks	Free.
233	Slate:	
	Rough blocks	Free.
	Rough slabs, rough table slabs, per 100 kilos	1.00
	Roofing slates, do	.65
	Note.—Slabs of slate more than 20 centimeters thick are to be treated as blocks.	
ex 239	Petroleum, fluid natural mineral tar, brown coal tar oil, peat oil, shale oil, oil from the tar of bog-head or cannel coal, and other mineral oils not otherwise enumerated in the general tariff, crude or refined:	
	Lubricating oils; residues from the distillation of mineral oils, containing paraffin or of a tarry or pitchy nature, the latter provided that they do not sink in water; rosin oil, per 100 kilos	6.00
	Heavy benzine of a specific gravity of more than 0.750 up to 0.770, inclusive, at 15° C., for driving motors, manufactured in inland factories or imported from foreign countries, under control, per 100 kilos	2.00
	Gas oil of a specific gravity of over 0.830 up to 0.880, inclusive, at 15° C., for driving motors, or for the carburation of water gas, manufactured in inland factories or imported from foreign countries, under control, per 100 kilos	3.00
	Note.—Petroleum and other refined mineral oils, not specially mentioned, suitable for illuminating purposes, may, at the option of the importer, be assessed for duty according to weight on the basis of 100 kilos, or according to volume, upon the condition that 125 liters, at a temperature of 15° C., are considered to be equivalent to 100 kilos, net weight, of the fluid.	
249	Mineral wax (ozocerite), refined, and ceresin (made from mineral wax, mixed or not with paraffin), in blocks, tablets, or balls; wax stumps [*Wachsstümpfe*] of refined mineral wax and of ceresin, per 100 kilos	10.00
ex 250	Paraffin, crude (paraffin scales, paraffin butter, etc.) or refined, except soft paraffin, per 100 kilos	10.00
251	Soft paraffin, per 100 kilos	8.00
ex 258	Paraffin ointment, vaseline and vaseline ointment (not scented), per 100 kilos gross weight	10.00
259	Axle grease, per 100 kilos	6.00
260	Other lubricants, manufactured, of fats or oils, liquid or solid, molded into shapes or not, per 100 kilos gross weight	7.50
ex 316	Calcium carbide	Free.
373	Casein, casein gum, and similar preparations, so far as they are not included under No. 206 of the general tariff, per 100 kilos	6.00
374	Glue in the rough (delimed bones), do	3.00
375	Glue of all sorts (except albuminous glue), solid or liquid; gelatin, even colored, per 100 kilos	3.00
ex 385	Licorice juice:	
	Mixed with sugar, honey, oil of aniseed, sal ammoniac, or other flavoring or medicinal ingredients, or made up for retail sale, per 100 kilos	60.00
	Other, raw or purified, even in sticks packed in boxes or other larger coverings serving for the purpose of transportation only	Free
(ex 545–547)	Leather, half or entirely dressed, whether prepared or not, not otherwise mentioned in the general tariff:	
545	Of a net weight of more than 3 kilos each piece—	
	Entire hides or half hides, with the heads, necks, bellies, and hoofs unseparated; head, neck, and belly pieces and hoofs, as well as horse shields, without regard to the weight of the pieces, per 100 kilos	30.00
	Pig leather, without regard to the weight of the pieces, do	18.00
	Bend leather [*Kernstücke*], do	33.00
	Note.—Leather, including bend leather, of a net weight of more than 3 kilos per piece, for the manufacture of driving belts, with permit, and under control, per 100 kilos	22.00
ex 546	Of a net weight of from 1 to 3 kilos each piece—	
	Calf, natural color (natural brown), do	25.00
	Other calf, do	40.00
(ex 555–556)	Boots and shoes of leather of all kinds, including those made from hides with the hair still on and those made from fish or reptile skins:	
556	With soles of materials other than wood—	
	Weighing more than 1,200 grams per pair, per 100 kilos	60.00
	Weighing more than 600 and up to 1,200 grams per pair; boot uppers of leather of all kinds, with elastic insertions, without regard to weight, per 100 kilos	80.00
	Weighing 600 grams or less per pair, per 100 kilos	90.00
	Slippers and house shoes, without regard to weight, do	60.00
	Notes.	
	1. Linings, trimmings, and ornaments of all kinds (buckles, bows, tassels, embroideries, laces, etc.), of other materials, including silk, but not including fur, do not affect the tariff treatment.	
	2. The following are to be treated as slippers and house shoes: Shoes which give no support to the instep or the heel, and are not in any other way (*e. g.*, by lacing, buttons, or elastic sides) adapted for closely fitting the foot. The conventional duty is also applicable to slippers and house shoes with a heel piece, but not to those with a raised heel.	

Numbers of the German general tariff.	Articles.	Rate of duty.
		Marks.
557	Driving belts and breadths of driving belts of leather of all kinds, as well as of raw hide (without the hair), with or without layers of coarse textiles or felt.per 100 kilos..	50.00
ex 560	Saddler's and trunkmaker's wares, as well as other wares not separately mentioned in the general tariff, of leather of all kinds, raw hide (with or without the hair), parchment, bladder, gold-beater's skin, or fish or reptile skin, or entirely or partly covered with such materials; also saddler's and trunkmaker's wares of coarse vegetable textiles or of the rope-maker's wares mentioned under Nos. 484 or 485 of the general tariff, or wares entirely or mainly covered with such materials; all these so far as they are not chargeable with higher duties by reason of their combination with other materials, or do not belong to the classes of paper and paper wares entirely or partly covered with leather, included under Nos. 667 to 669 of the general tariff:	
	Picking straps, sewing and binding laces, leather tapes for dividers [*Florteilriemen*], leather laces for spinning and weaving, pickers, without regard to weight.....per 100 kilos..	50.00
	Other articles—	
	Of a net weight of 2 kilos and more each—	
	Harness for horses; card backs, card hends (card slivers); card plates for fancy rollers; slips and plates for pickers; sliders (ruhhing helts, traveling leather hands).....od....	50.00
	Other.....do....	65.00
	Of a net weight less than 2 kilos each article—	
	Harness for horses; card backs, card hends (card slivers); card plates for fancy rollers; slips and plates for pickers; sliders (ruhhing belts, traveling leather hands).....per 100 kilos..	65.00
	Other; also leather hangings without regard to weight.....do....	80.00
561	Glove leather cut out or stamped for gloves.....do....	125.00
578	India-ruhber tires for wheels of vehicles; also tire covers, of textiles impregnated or coated with india ruhher or with an internal layer of india ruhher....per 100 kilos..	60.00
ex 580	Textiles or felt impregnated or coated with india ruhber or with internal layers of india ruhher; india-ruhher wares coated with textiles or with yarn wound thereon; all these if the textiles or the yarn do not consist entirely or partly of silk, per 100 kilos.....	100.00
	Textiles in comhination with india-rubber threads; tissues of india-ruhher threads comhined with threads or yarn; all these if the textiles or the yarn consist entirely or partly of silk or other textile material.....per 100 kilos..	90.00
585	Tuhes of hardened india ruhber, not further worked.....do....	25.00
586	Other wares of hardened india ruhher, not separately mentioned in the general tariff, comhined or not with other materials, so far as not falling under higher duties hy reason of such comhination.....per 100 kilos..	40.00
	(ex 649–650) Paper stock (half stuff for the manufacture of paper and pastehoard), in the form of pulp or solidified, whether hleached, dyed, mixed with mineral suhstances, glue, etc., or not:	
650	From wood, straw, esparto grass, or other vegetable fiher—	
	Wood pulp (mechanically prepared wood meal, wood grindings), per 100 kilos.....	1.25
	Chemically prepared wood pulp (cellulose); straw, esparto, and other fibrous materials.....per 100 kilos..	1.25
ex 651	Pasteboard, molded (dipped) or couched; also made of sheets of pasteboard stuck together:	
	Cardhoard of mechanically or chemically prepared wood pulp; also of wood pulp prepared from steamed wood, rolled hard [*Braunholzpappe*, so-called leather hoard] strawhoard, *Schrenzpappe*, and peat cardhoard, and other coarse cardhoard not separately mentioned in the general tariff, dyed in the pulp or not.....per 100 kilos..	1.50
633	Yellow straw paper.....do....	3.00
	Very coarse gray blotting paper.....do....	2.00
654	Packing paper, dyed in the pulp, glazed on one side or not.....do....	3.00
655	Paper not included under other numbers of the general tariff, including carton paper, even ruled, made like parchment, or grained:	
	Packing paper not included under No. 654.....per 100 kilos..	3.00
	Other.....do....	6.00
656	Colored paper, including paper coated with chalk, white lead, or the like, or provided with metallic impressions; varnished paper; paper covered with scales of mica or glass, pounce or wool flocks; paper provided with painted, applied, or galvanoplastic metallic surfacing; also paper with gilt or silvered edges.....per 100 kilos..	8.00
657	Printed matter, printed by any process, so far as not included in chapter 12 of the general tariff; also "picture paper," including that produced by a copying process on paper and cardboard; also paper or cardboard colored or black edged, or ornamented in any way whatever:	
	Of one color.....per 100 kilos..	6.00
	Of more than one color; also with impressions or edges in colors, gold or other metals.....per 100 kilos..	6.00
ex 660	Wall paper and wall-paper borders of all kinds, neither gilt, silvered, hronzed, emhossed, nor velvety.....per 100 kilos..	12.00
ex 694	Grindstones and whetstones, wholly or partly of carborundum.....do....	12.00

Numbers of the German general tariff.	Articles.	Rate of duty.
	(ex 737–740) Hollow glass:	
737	Neither molded nor ground, polished, smoothed, cut, etched, or figured—	*Marks.*
	Of natural color.....per 100 kilos..	3.00
	White (or half white) transparent, with or without separate rings of massive white (or half white) glass.....per 100 kilos gross weight..	8.00
	Colored or white nontransparent, or even flashed with colored or white nontransparent glass—	
	Milk, alabaster, and bone glass, white.....per 100 kilos..	10.00
	Other.....do....	15.00
738	With the bottoms only molded, or with the stoppers shaped or ornamented by grinding, molding, etc.—	
	Colored or white nontransparent, or even flashed with colored or white nontransparent glass.....per 100 kilos..	15.00
	Other.....do....	12.00
739	Molded, ground, polished, smooth, cut, engraved, or figured in any other way—	
	Colored or white nontransparent, or even flashed with colored or white nontransparent glass.....per 100 kilos..	15.00
	Other.....do....	12.00
	(ex 741–742) Plate and sheet glass, not separately mentioned in the general tariff, neither ground, polished, cut, figured, ribbed, scolloped, curved, frosted, etched, flashed, cut in facets, nor silvered:	
741	Neither colored nor opaque—	
	Plate glass, cast and blown; so-called crude glass (rough cast plates) more than 5 millimeters thick, ribbed or not.....per 100 kilos..	3.00
	Sheet glass, including "crude" glass (ribbed or not) having a thickness of 5 millimeters or less, if the length and breadth together amount to—	
	120 centimeters or less.....per 100 kilos..	6.00
	More than 120 and up to 200 centimeters.....per 100 kilos gross weight..	8.00
	More than 200 centimeters.....do....	10.00
ex 742	Bull's-eye glass.....do....	12.00
758	Glass pendants for chandeliers; glass buttons; all these colored or not, with loops or not.....per 100 kilos..	12.00
	Note.—Painted, gilt or silvered glass buttons pay duty under No. 763.	
759	Small glass plates; glass beads, bugles, and scales, even if strung on thread only for purposes of packing and transmission; glass drops (glass tears, Prince Rupert's drops); small glass balls (massive glass drops):	
	White or colored.....per 100 kilos..	2.00
	Painted, gilt or silvered.....do....	15.00
760	Glass pastes containing lead or not; artificial gems, and glass corals, not mounted, even if strung on thread only for purposes of packing and transmission:	
	Rough—	
	Glass pastes and artificial gems.....per 100 kilos..	20.00
	Glass corals.....do....	15.00
	Worked (ground, etc.).....do....	25.00
763	Glass not otherwise mentioned in the general tariff, molded, stamped, ground, polished, smoothed, cut, etched, figured, or not; glass threads and spun glass:	
	Not colored nor opaque.....per 100 kilos..	12.00
	Colored or opaque.....do....	15.00
	Painted, gilt or silvered, figured or not by the application or burning in of colors.....per 100 kilos..	20.00
	(ex 777–843) Iron and iron alloys:	
782	Nonmalleable cast iron, not otherwise mentioned in the general tariff, rough:	
	Weighing, per piece, net weight—	
	More than 100 kilos.....per 100 kilos..	2.50
	More than 40 up to 100 kilos.....do....	3.00
	40 kilos or less.....do....	3.50
797	Axles and parts of railway wheels (including hubs, tires, frames, and rims), railway wheels, sets of railway wheels.....per 100 kilos..	2.50
800	Construction pieces of malleable iron, painted or not.....do....	4.50
ex 820	Bolts for fish plates and sleepers, cross-tie bars, clips, hook nails, insulator supports (brackets), rough.....per 100 kilos..	3.00
	Screws and rivets of more than 13 millimeters shank diameter; nuts and washers for screws; horseshoes, calkins, rough.....per 100 kilos..	5.00
ex 821	Railway couplings, parts of switches and signals, rough.....do....	6.00
	Railway buffers, rough.....do....	3.00
829	Chains (except bicycle chains) and parts thereof:	
	Rough—	
	For towing.....do....	1.50
	Other.....do....	5.00
	Worked.....do....	15.00
ex 839	Springs not otherwise mentioned in the general tariff:	
	Fine (for wigs, gloves, hats, and the like), including all springs, polished, nickeled, lacquered, varnished, or which have undergone any further process of working up other than mere grinding.....per 100 kilos..	20.00
	Other:	
	Rough.....do....	6.00
	Merely ground.....do....	10.00

Numbers of the German general tariff.	Articles.	Rate of duty.
	(ex 869–880) Copper and copper alloys:	
875	Wire gauze of all kinds for industrial purposes, especially for use in the manufacture of paper, endless or in rolls or pieces, composed of wire, with or without insertions [*Einlagen*] of thread or yarn; drying cylinders for printing establishments [*Vordruckwalzen*], smoothed or ribbed, with or without watermark.....per 100 kilos..	*Marks.* 18.00
ex 891	Phonographs, including electrical machines in combination therewith..per 100 kilos..	40.00
ex 894	Combustion and explosion motors for motor cycles, weighing, per piece, 40 kilos or less, net weight.....per 100 kilos..	75.00
	Steam engines, steam turbines, water turbines; combustion and explosion motors; power (other than electromotive) machinery in combination with pumps (including water engines) or freezing machines; cranes:	
	Weighing, per piece, net weight—	
	Over 500 up to 1,000 kilos.....per 100 kilos..	11.00
	Over 1,000 up to 2,500 kilos.....do....	7.50
	Over 2,500 up to 5,000 kilos.....do....	6.00
	Over 5,000 up to 50,000 kilos.....do....	5.00
	Over 50,000 up to 100,000 kilos.....do....	4.50
	Over 100,000 kilos.....do....	3.50
	Water-pressure engines:	
	Weighing, per piece, net weight—	
	Over 1,000 up to 2,500 kilos.....do....	8.00
	Over 2,500 up to 5,000 kilos.....do....	6.50
	Over 5,000 up to 50,000 kilos.....do....	5.50
	Over 50,000 up to 100,000 kilos.....do....	5.00
	Steam engines combined with hammers, blowing machines (including ventilating machines), or with hoisting machines:	
	Weighing, per piece, net weight—	
	Over 5,000 up to 50,000 kilos.....per 100 kilos..	5.00
	Over 50,000 up to 100,000 kilos.....do....	4.50
	Other machines of the kinds specified in No. 894 of the general tariff:	
	Weighing, per piece, net weight—	
	Over 1,000 up to 2,500 kilos.....per 100 kilos..	10.00
	Over 2,500 up to 5,000 kilos.....do....	8.00
	Over 5,000 up to 50,000 kilos.....do....	6.00
	Over 50,000 up to 100,000 kilos.....do....	5.00
	Note.—Steam engines for use in shipbuilding, together with the paddle wheels and screw propellers pertaining thereto, are admitted duty free.	
	(ex 913–914) Vehicles, intended to run on rails:	
ex 914	Not combined with motive machinery—	
	Freight cars, covered or not.....per 100 kilos..	3.00
ex 915	Vehicles not intended to run on rails (except water craft), combined with motive machinery (motor cars and motor cycles):	
	Motor cycles—	
	Weighing, each, net weight—	
	50 kilos or less.....per 100 kilos..	100.00
	Over 50 up to 100 kilos.....do....	75.00
	Over 100 up to 250 kilos.....do....	70.00
	Motor cars and motor cycles—	
	Weighing, each, net weight—	
	Over 250 up to 500 kilos.....do....	40.00
	Over 500 up to 1,000 kilos.....do....	25.00
	Over 1,000 kilos.....do....	15.00
	(ex 916–918) Vehicles not intended to run on rails (except water craft), without motive machinery:	
ex 917	Carriages—	
	Four-wheeled, with not more than four fixed seats—	
	Without cover—	
	Weighing, each, net weight—	
	150 kilos or less.....per piece..	60.00
	More than 150 kilos.....do....	100.00
	With cover.....do....	150.00
	Four-wheeled, with more than four fixed seats—	
	Without cover.....do....	150.00
	With cover.....do....	160.00
	Notes.	
	1. Folding seats are not reckoned as fixed seats. The box (driver's seat) is not to be counted as one of the fixed seats.	
	2. Wooden carriage bodies without the trucks shall be treated as wooden wares, according to their character, even if they are fitted with iron mounts; nor shall they be dutiable as passenger carriages, even where the hinge-fastened cover frames and the sloping footboard of the driver's seat (which is securely fastened to the iron clasps traversing the carriage body) have already been fixed in position, or where the wooden panels of the doors have been covered with coarse blocks of wood, or with jute tissue or sheet iron in order to strengthen them or to keep them from splitting.	

Numbers of the German general tariff.	Articles.	Rate of duty.
ex 917	(ex 916–918) Vehicles not intended to run on rails, etc.—Continued.	
	Carriages—Continued.	
	Notes—Continued.	
	3. Four-wheeled carriages fitted together in the rough pay one-fourth the duty on similar carriages finished. By carriages in the rough are meant those which, though provided with all the parts and fittings necessary in order to enable the carriages to be used (springs, axles, wheels, fore-frame, brake, whiffletrees, and parts for attaching the traces, etc.), are neither colored, varnished, polished, painted, nor covered with leather or upholstered (nor contain loose cushions).	
	4. Carriage rugs, lamps, chests, and similar articles imported with carriages and intended to be fitted securely to or otherwise connected with the same, shall be regarded as parts of carriages and not charged duty separately.	
	5. Carriages imported without trucks (chassis), motors, or wheels, and intended for the construction of motor cars, shall be treated as four-wheeled carriages, and shall be dutiable according to the treaty rates under No. 917, if in a finished state, and at one-fourth of those rates if in the rough.	
ex 926	Small arms of all kinds of common metals or of alloys of common metals, except military arms.....per 100 kilos..	*Marks.* 60.00
927	Trigger guards, springs, cocks, and barrels, and parts thereof; also other parts of small arms (except locks and breech bolts [*Verschlussstücke*]) of common metals or alloys of common metals:	
	Rough.....per 100 kilos..	6.00
	Worked—	
	Barrels only bored and turned or roughly ground.....do....	10.00
	Other articles.....do....	24.00
928	Locks and breech bolts [*Verschlussstücke*] and parts thereof, for small arms:	
	Roughly worked.....per 100 kilos..	24.00
	Other.....do....	60.00
	Note to Nos. 927 and 928.—Barrels and stocks for small arms with locks, lock cases, or breech bolts [*Verschlussstücke*] fitted to them or packed up with them have to pay duty according to No. 926.	
929	Watches, including those with chimes:	
	In cases—	
	Of gold.....per piece..	.80
	Of silver, gilt or not, or provided with gilt rims, pendants or knobs..per piece..	.60
	Of common metals or alloys thereof, gilt or silvered or not, or provided with gilt or silvered rims, pendants or knobs; of other materials..per piece..	.40
	Note.—Electrical watches are dutiable under No. 929.	
930	Watch cases:	
	Of gold.....per piece..	.40
	Of silver, of common metals or alloys thereof, gilt or not, or provided with gilt rims, pendants, or knobs; of other materials.....per piece..	.40
	Note.—If watch cases are imported in pieces but ready to be put together, backs will pay half, and rims (together with bezels or not) and bezels each a quarter of the duty on entire watch cases. So-called "false" watch cases and other parts pay duty according to the material of which made.	
	Note to Nos. 929 and 930.—Watches and watch cases plated with gold or silver will pay duty as gilt or silvered	
931	Mechanism for watches, complete, and rough works.....per piece..	.40
932	Steel mainsprings and balances for watches.....per 100 kilos..	60.00
933	Parts of watches of common metals or alloys thereof not previously mentioned in the general tariff:	
	Watch springs of steel; balances of bronze or brass.....per 100 kilos..	60.00
	Other parts of watches, even gilt or silvered, or plated with gold or silver, or in combination with other materials, in so far as they may not be dutiable at higher rates by reason thereof.....per 100 kilos..	120.00
	Note.—Pendants, rings, and key caps are dutiable under No. 933 when they are obviously intended to form parts of watches.	
937	Organs (with pipes).....per 100 kilos..	20.00
943	Musical boxes:	
	Musical boxes without case, weighing 500 grams, net weight, or less, per piece.....per 100 kilos..	20.00
	Other musical boxes.....do....	20.00
	Apparatus for mechanical repetition of musical pieces.....do....	25.00
	Note.—Parts of musical boxes, obviously recognizable as such, also alarm bells for alarm clocks (without mechanism), are dutiable as musical boxes.	

List referred to in Article Three of Commercial Agreement

ELIHU ROOT
STERNBURG.

Correct:

JAMES L. GERRY
S. N. D. NORTH
N. I. STONE.

[APPENDIX I.]

DIPLOMATIC NOTE.

MAY 2, 1907.

EXCELLENCY:

Referring to the Commercial Agreement concluded this day between this Government and the Imperial German Government, I have the honor to inform you that the President of the United States authorizes me to state that he will recommend to the Congress the enactment of an amendment of Section 7 of the Customs Administrative Act of June 10, 1890, as amended by Section 32, Act of July 24, 1897, so as to read as follows:

"SECTION 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deductions from the cost or value given in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry by more than ten per centum there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum in excess of ten per centum that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to twenty-five per centum of the appraised value of such article or articles. Such additional duties shall be construed to be penal and within the purview of Sections 5292 and 5293, Revised Statutes, and Sections 17 and 18, Act, June 22, 1874, and further shall be remitted in cases arising from unintentional or manifest clerical error; but these duties shall not be refunded in case of exportation of the merchandise nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than thirty-five per centum, except when arising from an unintentional or a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in the case of forfeiture for violation of the customs laws; and in any legal proceeding that may result from such seizure the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall only apply to the particular article or articles which are undervalued: *Provided, further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

"Accept, Excellency, the renewed assurance of my highest consideration.

"ELIHU ROOT.

"His Excellency
"BARON SPECK VON STERNBURG,
"Imperial German Ambassador."

[APPENDIX II.]

[Strike out the words in brackets and insert the words printed in *italics.*]

SEC. 7. That the owner, consignee, or agent of any imported merchandise [which has been actually purchased] may, at the time when he shall make and

verify his written entry of such merchandise, but not afterwards, make such addition in the entry to *or such deductions from* the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise *or lower* the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; [but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase;] and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry *by more than ten per centum* there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum *in excess of ten per centum* that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, *and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value*, and shall be limited to [fifty] *twenty-five* per centum of the appraised value of such article or articles. Such additional duties shall [not] be constructed to be penal, and *within the purview of sections 5292 and 5293 Revised Statutes and sections 17 and 18, act, June 22, 1874, and further* shall [not] be remitted, [nor payment thereof in any way avoided, except] in cases arising from [a] *unintentional or* manifest clerical error, [nor shall they be refunded] *but these duties shall not be refunded* in case of exportation of the merchandise [or on any other account,] nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than [fifty] *thirty-five* per centum, except when arising from *an unintentional or* a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs [shall] *may* seize such merchandise and proceed as in case or forfeiture for violation of the customs laws, and in any legal proceeding that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall *only* apply to [the whole of the merchandise or the value thereof in the case or package containing] the particular article or articles [in each invoice] which are undervalued: *Provided, further*, That all additional duties, penalties or forfeitures applicable to merchandise entered by a duly certified invoice, shall be alike applicable to merchandise entered by a pro forma invoice, or a statement in the form of an invoice, [and no forfeiture or disability of any kind, incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury.] The duty shall not, however, be assessed in any case upon an amount less than the [invoice or] entered value.

[APPENDIX III.]

REGULATIONS PROVIDED FOR IN THE COMMERCIAL AGREEMENT BETWEEN GERMANY AND THE UNITED STATES.

1907.
DEPARTMENT CIRCULAR, No. 36.

Division of Customs.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 1, 1907.

To Collectors and other Officers of the Customs:

In accordance with the commercial agreement signed April 22, 1907, between the Imperial German Government and the Government of the United States the following regulations, which will remain in force for the term of that agreement, are published for your guidance so far as they relate to your duties.

Market value as defined by section 19 of the customs administrative act shall be construed to mean the export price whenever goods, wares, and merchandise

are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

Statements provided for in section 8 of the customs administrative act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The consular regulations of 1896, paragraph 674, shall be amended accordingly.

In reappraisement cases the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisement is based.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate, and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the consular regulations of 1896 relative to "swearing to the invoice" shall be revoked.

Special agents, confidential agents, and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principle as to *personæ gratæ* shall apply to these officials.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

GEORGE B. CORTELYOU, *Secretary.*

[APPENDIX IV.]

EXECUTIVE ORDER.

The Consular Regulations of 1896 are hereby amended as follows:

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense—

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, is further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

So that the entire paragraph shall read as follows:

"678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured, but as a rule consular officers shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment."

Paragraph 681 of the Consular Regulations of 1896 relative to "swearing to the invoice" is hereby revoked.

Paragraph 674 of the Consular Regulations of 1896 is amended so that the statements provided for in Section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods.

THEODORE ROOSEVELT.

The White House,
June 1, 1907.

1909.

Patent Convention.

Concluded February 23, 1909; ratification advised by the Senate April 15, 1909; ratified by the President April 20, 1909; ratifications exchanged July 14, 1909; proclaimed August 1, 1909.

Articles.

I. Reciprocal rights.
II. Time of taking effect; duration.
III. Ratification.

The President of the United States of America and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, led by the wish to effect a full and more operative reciprocal protection of patents, designs, working patterns, and models in the two countries, have decided to conclude an agreement for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. Robert Bacon, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Count von Bernstorff, His Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed to the following articles:

ARTICLE I.

The provisions of the laws applicable, now existing or hereafter to be enacted of either of the Contracting Parties, under which the non-working of the patent, working pattern (Gebrauchsmuster), design or model carries the invalidation or some other restriction of the right, shall only be applied to the patents, working patterns (Gebrauchsmuster), designs or models enjoyed by the citizens of the other Contracting Party within the limits of the restrictions imposed by the said Party upon its own citizens. The working of a patent, working pattern (Gebrauchsmuster), design or model in the territory of one of the Contracting Parties shall be considered as equivalent to its working in the territory of the other Party.

ARTICLE II.

This Agreement shall take effect from the date of its promulgation and remain in force until the expiration of 12 months following the notice of termination given by one of the Contracting Parties.

ARTICLE III.

The present Agreement shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have executed the present Agreement and affixed their seals thereunto.

Done in duplicate in the English and German languages at Washington this 23rd day of February, 1909.

ROBERT BACON [SEAL]
J. BERNSTORFF [SEAL]

GREAT BRITAIN.

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

1782.[a]

PROVISIONAL ARTICLES AGREED UPON, BY AND BETWEEN RICHARD OSWALD, ESQUIRE, THE COMMISSIONER OF HIS BRITANNIC MAJESTY, FOR TREATING OF PEACE WITH THE COMMISSIONERS OF THE UNITED STATES OF AMERICA, IN BEHALF OF HIS SAID MAJESTY ON THE ONE PART, AND JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, AND HENRY LAURENS, FOUR OF THE COMMISSIONERS OF THE SAID STATES FOR TREATING OF PEACE WITH THE COMMISSIONER OF HIS SAID MAJESTY, ON THEIR BEHALF, ON THE OTHER PART. TO BE INSERTED IN, AND TO CONSTITUTE THE TREATY OF PEACE PROPOSED TO BE CONCLUDED BETWEEN THE CROWN OF GREAT BRITAIN AND THE SAID UNITED STATES; BUT WHICH TREATY IS NOT TO BE CONCLUDED UNTIL TERMS OF A PEACE SHALL BE AGREED UPON BETWEEN GREAT BRITAIN AND FRANCE, AND HIS BRITANNIC MAJESTY SHALL BE READY TO CONCLUDE SUCH TREATY ACCORDINGLY.

Concluded November 30, 1782. Proclamation ordered by the Continental Congress April 11, 1783.

ARTICLES.

I. Independence acknowledged.
II. Boundaries.
III. Fishery rights.
IV. Recovery of debts.
V. Restitution of estates.
VI. Confiscations and prosecutions to cease.
VII. Withdrawal of British armies.
VIII. Navigation of the Mississippi River.
IX. Restoration of territory.
Separate Article. Boundary of West Florida.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the

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[a] Note concerning treaties with Great Britain of 1782, 1783, 1794 and the additional and explanatory articles thereto, and 1802.

In response to an inquiry as to whether these treaties, so far as they were not fully executed, terminated by the war of 1812, the Department of State, in a communication addressed to W. M. Malloy, dated January 20, 1910, replied as follows:

"With respect to the British treaties mentioned, you are informed that they were claimed by Great Britain, after the conclusion of the treaty of Ghent, to have been terminated by the war of 1812. In a note from Lord Bathurst to John Quincy Adams it is stated, 'She (Great Britain) knows of no exception to the rule that all treaties are put an end to by a subsequent war between the same parties.' (American State Papers, vol. 4, p. 354.) Against this view of the British Government and its unqualified expression the United States protested. (On the effect of war on treaties, see Moore's Digest International Law, vol. 5, p. 372.)"

See also decision of Supreme Court of United States (Society for Propagation of Gospel *v.* New Haven, 8 Wheaton, 464) as to effect of war of 1812 on treaties with Great Britain.

proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachuset's Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, propriety and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz:

ARTICLE II.

From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands; along the Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; from thence, by a line due west on said latitude untill it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake untill it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake untill it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Phelippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi untill it shall intersect the northernmost part of the 31st degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Laurence; comprehending all islands within twenty leagues of any

part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States: And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated: And that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail: And that Congress shall also earnestly recommend to the several States that the estates, rights and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights and

properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war, and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall then immediately cease: All prisoners, on both sides, shall be set at liberty; and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers belonging to any of the said States or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

[SEAL.] RICHARD OSWALD.
[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.
[SEAL.] JOHN JAY.
[SEAL.] HENRY LAURENS.

Witness: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

SEPARATE ARTICLE.

It is hereby understood and agreed that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east, to the river Apalachicola.

Done at Paris the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

[SEAL.] RICHARD OSWALD.
[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.
[SEAL.] JOHN JAY.
[SEAL.] HENRY LAURENS.

Attest: CALEB WHITEFOORD,
Sec'y to the British Commission.
W. T. FRANKLIN,
Sec'y to the American Commission.

1783.

ARMISTICE DECLARING A CESSATION OF HOSTILITIES.

Concluded January 20, 1783.

We, the undersigned Ministers Plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, Minister Plenipotentiary of his Britannic Majesty, a declaration relative to a suspension of arms to be established between his said Majesty and the said States, the tenor whereof is as follows:

"Whereas the preliminary articles agreed upon and signed this day, between his Majesty the King of Great Britain and his Majesty the Most Christian King on the one part, and likewise between his said Britannic Majesty and his Catholic Majesty on the other part, contain the stipulation of a cessation of hostilities between those three Powers, which is to take place after the exchange of the ratifications of the said preliminary articles: And whereas, by the provisional treaty signed on the thirtieth day of November last, between His Britannic Majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said Crowns: The undersigned Minister Plenipotentiary of His Britannic Majesty does declare, in the name and by the express order of the King, his master, that the said United States of North America, their subjects, and their possessions, shall be comprehended in the above-mentioned suspension of arms, and that in consequence they shall enjoy the benefit of the cessation of hostilities at the same epochs and in the same manner as the three Crowns above mentioned, their subjects, and their respective possessions; the whole upon condition that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and contain'g the assurance of the most perfect reciprocity on their part.

"In faith whereof we, the Minister Plenipotentiary of His Britannic Majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.

"VERSAILLES, *Jan'y 20, 1783.*

(Signed) "ALLEYNE FITZ HERBERT. [SEAL.]

Have, in the name of the said United States of North America, and by virtue of the powers with which they have vested us, accepted the above declaration, do by these presents merely and simply accept it, and do reciprocally declare that the said States shall cause all hostilities to cease against his Britannic Majesty, his subjects, and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, His Majesty the King of France, and His Majesty the King of Spain, so, and in the same manner, as has been agreed between those three Crowns, and to produce the same effects.

In faith whereof we, the Ministers Plenipotentiary of the United States, North America, have signed the present declaration, and have affixed thereto the seal of our arms.

VERSAILLES, *January 20, 1783.*

[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.

Copy of the first and twenty-second of the preliminary articles, between France and Great Britain, signed at Versailles the 20th January, 1783.

ARTICLE I.

As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between His Most Christian Majesty and His Britannic Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two Powers, to cease all hostilities and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article sea-passes shall be given on each side to the ships which shall be dispatched to carry the news to the possessions of the said Powers.

ARTICLE XXII.

To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed that the vessels and effects which may be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the ocean or in the Mediterranean; of two months from the said Canary Islands to the equinoxial line or equator; and lastly, of five months in all other parts of the world without any exception, nor other more particular distinction of times and places.

1783.

Definitive Treaty of Peace.[a], [b]

Concluded at Paris September 3, 1783; ratified by Congress January 14, 1784; proclaimed January 14, 1784.

Articles.

I. Independence acknowledged.
II. Bonndaries.
III. Fishery rights.
IV. Recovery of debts.
V. Restitntion of estates.
VI. Confiscations and prosecntions to cease.
VII. Withdrawal of British armies.
VIII. Navigation of the Mississippi River.
IX. Restoration of territory.
X. Ratification.

In the name of the Most Holy and Undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &ca., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the 30th of Nov'r, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and His Britannic Majesty should be ready to conclnde snch treaty accordingly; and the treaty between Great Britain and France having since been conclnded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, esqr., member of the Parliament

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[a] See note concerning treaties of 1782, 1783, 1794, and 1802. Page 580.

[b] Federal cases: Republica *v.* Gordon (1 Dall., 233), Georgia *v.* Brailsford (3 Dall., 1), Ware *v.* Hylton (3 Dall., 199), Hunter *v.* Fairfax (3 Dall., 305), Hopkirk *v.* Bell (3 Cranch, 454, 4 Cranch, 164), M'Ilvaine *v.* Coxe's Lessee (4 Cranch, 209), Higginson *v.* Mein (4 Cranch, 415), Owings *v.* Norwood's Lessee (5 Cranch, 344), Smith *v.* Maryland (6 Cranch, 286), Fairfax *v.* Hunter (7 Cranch, 603), Martin *v.* Hnnter's Lessee (1 Wheat., 304), Orr *v.* Hodgson (4 Wheat.. 453), Blight's Lessee *v.* Rochester (7 Wheat., 535), Society for Propagation of the Gospel *v.* New Haven (8 Wheat., 464), Harcourt *v.* Gaillard (12 Wheat., 523), Shanks *v.* Dupont (3 Pet., 242), Carver *v.* Jackson (4 Pet., 1), U. S. *v.* Repentigny (5 Wall., 211), Hylton's Lessee *v.* Brown (1 Wash. C. C., 298, 343), Gordon's Lessee *v.* Kerr(1 Wash. C. C., 322), Fisher *v.* Harnden (1 Paine C. C., 55), Jones *v.* Walker (2 Paine C. C., 688), Dunlop *v.* Alexander (1 Cranch C. C., 498).

of Great Britain; and the said United States on their part, John Adams, esqr., late a commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and chief justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, esq're, late Delegate in Congress from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, esq're, late president of Congress, and chief justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

Article I.

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, propriety and territorial rights of the same, and every part thereof.

Article II.

And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part

of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlements, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and

properties as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI.

That there shall be no future confiscations made, nor any prosecutions commenc'd against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article VII.

There shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds and papers, belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and deliver'd to the proper States and persons to whom they belong.

Article VIII.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

Article IX.

In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquer'd by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affix'd thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] D. HARTLEY.
[SEAL.] JOHN ADAMS.
[SEAL.] B. FRANKLIN.
[SEAL.] JOHN JAY.

1794.[a] [b]

TREATY OF AMITY COMMERCE AND NAVIGATION.

(JAY TREATY.)

Concluded November 19, 1794; ratification advised by the Senate with amendment June 24, 1795; ratified by the President; ratifications exchanged October 28, 1795; proclaimed February 29, 1796.

ARTICLES:

I. Amity.
II. Withdrawal of forces; privileges of settlers.
III. Commerce and navigation; duties.
IV. Survey of the Mississippi.
V. St. Croix River.
VI. Indemnification by United States.
VII. Indemnification by Great Britain.
VIII. Expenses.
IX. Land tenures.
X. Private debts, etc.
XI. Liberty of navigation and commerce.
XII. West India trade; duties.
XIII. East India trade; duties.
XIV. Commerce and Navigation.
XV. Discrimination on vessels, imports, etc.
XVI. Consuls.
XVII. Capture or detention of neutrals.
XVIII. Contraband.
XIX. Officers and passengers on neutrals.
XX. Pirates.
XXI. Commissions from foreign state.
XXII. Reprisals.
XXIII. Ships of war.
XXIV. Foreign privateers.
XXV. Prizes.
XXVI. Reciprocal treatment of citizens in war.
XXVII. Extradition.
XXVIII. Limitation of Article XII; ratification.

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate

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[a] As to effect of war of 1812 on this treaty see note concerning treaties of 1782, 1783, 1794, and 1802, page 580.

[b] Federal cases: Fitzsimmons *v.* Newport Ins. Co. (4 Cranch, 185), Fairfax *v.* Hunter (7 Cranch, 603), Harden *v.* Fisher (1 Wheat., 300), Jackson *v.* Clarke (3 Wheat., 1), Craig *v.* Radford (3 Wheat., 594), Orr *v.* Hodgson (4 Wheat., 453), Blight's Lessee *v.* Rochester (7 Wheat., 535), Society for the Propagation of the Gospel *v.* New Haven (8 Wheat., 464), Hughes *v.* Edwards (9 Wheat., 489), Shanks *v.* Dupont (3 Pet., 242), Forsyth *v.* Reynolds (15 How., 358), U. S. *v.* Nash. (Bee's Adm. Rep., 267), Fisher *v* Harnden (1 Paine C. C., 55), Jackson *v.* Porter (1 Paine C. C., 457), Society for the Propagation of the Gospel *v.* Wheeler (2 Gallison, 105), Gray *v.* U. S. (21 Ct. Cl., 340).

their difference in such a manner, as, without reference to the merits of their respective complaints and pretentions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude the said treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

Who have agreed on and concluded the following articles:

Article I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

Article II.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor-General in America for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ARTICLE. III.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the

purpose of being immediately re-embarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ARTICLE IV.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States: it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ARTICLE V.[a]

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz:

One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners. And the three Commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to

[a] The Commission made a declaration October 25, 1878, as to the true source of the St. Croix River.

such other place or places as they shall think fit. They shall have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. The said Commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

Article VI.[a]

Whereas it is alleged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to meet and act in manner following, viz: Two of them shall be appointed by His Majesty, two of them by the President of the United States by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original Commissioners. When the five Commissioners thus appointed

[a] The Commission under this Article met May 29, 1797, and suspended July 31, 1799, owing to disagreements. By the treaty of 1802 $2,664,000 was provided to be paid to Great Britain in settlement of these claims.

shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz: I, A. B., one of the Commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said Commissioners: and that I will forbear to act as a Commissioner, in any case in which I may be personally interested.

Three of the said Commissioners shall constitute a board, and shall have power to do any act appertaining to the said Commission, provided that one of the Commissioners named on each side, and the fifth Commissioner shall be present, and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said Commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated either according to the legal form now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant; and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times and at such place or places, as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

Article VII.[a]

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation, (mutatis mutandis,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said Commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States and brought into the ports of the same, or taken by vessels originally armed in ports of the said States:

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the Commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in

[a] The Commission met August 16, 1796, and suspended July 20, 1799. The meetings were resumed under the treaty of 1802, and the final meeting held February 4, 1804. The awards against the United States amount to $143,428.14, and against Great Britain $11,656,000.

the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed, that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent and meaning of this article.

Article VIII.

It is further agreed that the Commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said Commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners. And in the case of death, sickness or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation and do the same duties.

Article IX.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

Article X.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

Article XI.[a]

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles.

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[a]Articles XI to XXVII, inc., expired October 28, 1807.

Article XII.[a]

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said States, which it is or may be lawful to carry to the said islands or ports from the said States in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load and carry away in their said vessels to the United States, from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from His Majesty's islands or from the United States to any part of the world except the United States, reasonable sea-stores excepted. Provided, also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the date of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property;

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[a] Suspended by the Additional Article being an amendment by the Senate (see p. 607).

and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

Article XIII.[a]

His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea-ports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of what nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

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[a] Expired October 28, 1807.

Article XIV.[a]

There shall be between all the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

Article XV.[a]

It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels entering into the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now-subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

Article XVI.[a]

It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those lib-

[a] Expired October 28, 1807.

erties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls such particular places as such party shall judge proper to be so excepted.

Article XVII.[a]

It is agreed that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

Article XVIII.[a]

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gun-powder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war, as also timber for shipbuilding, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

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[a] Expired October 28, 1807.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter, but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found thereinafter the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors there.

Article XIX.[a]

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or, if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Article XX.[a]

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

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[a] Expired October 28, 1807.

And all their ships, with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Article XXI.[a]

It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque as a pirate.

Article XXII.[a]

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Article XXIII.[a]

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be

[a] Expired October 28, 1807.

allowed to break bulk or unload her cargo, unless the same should be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the Government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Article XXIV.[a]

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

Article XXV.[a]

It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports or rivers of their territories, by ships of war or others having commission from any Prince, Republic or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

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[a] Expired October 28, 1807.

Article XXVI.[a]

If at any time a rupture should take place (which God forbid) between His Majesty and the United States, and merchants and others of each of the two nations residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property, but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.

Article XXVII.[a]

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Article XXVIII.

It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, That whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall by concert be taken for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term as that new arrangements on that head may by that time be perfected and ready to take place. But if it should unfortunately happen that His Majesty and the

[a] Expired October 28, 1807.

United States should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly. This treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to and make a part of this treaty. In faith whereof we, the undersigned Ministers Plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London this nineteenth day of November, one thousand seven hundred and ninety-four.

[SEAL.] GRENVILLE.
[SEAL.] JOHN JAY.

Letter from Thomas Jefferson to George Hammond.

PHILADELPHIA, *September 5, 1793.*

SIR: I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other Poewrs in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain.

But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the Geueral Government has given them the aid of the custom-house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the Governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any inforamtion which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as before mentioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure that the Collector of the Customs of the district, and the British Consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture aud of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the Collector of the Customs where the respective vessels are.

I have the honor to be, &c., TH: JEFFERSON.

GEO: HAMMOND, Esq.

ADDITIONAL ARTICLE.[a]

It is further agreed, between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

1796.[b]

EXPLANATORY ARTICLE TO THE THIRD ARTICLE OF THE TREATY OF NOVEMBER 19, 1794, RESPECTING THE LIBERTY TO PASS AND REPASS THE BORDERS AND TO CARRY ON TRADE AND COMMERCE.

Concluded May 4, 1796; Ratification advised by Senate May 9, 1796.

Whereas by the third article of the treaty of amity, commerce and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic

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[a] Amendment of the Senate by its resolution advising ratification, June 24, 1795, accepted by Great Britain.

This additional article expired October 28, 1807.

[b] See note concerning treaties with Great Britain, page 580.

Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship concluded at Greenville on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or the hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose under the authority of the United States: Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the third article of the treaty of amity, commerce and navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts and promote mutual satisfaction and friendship: And for this purpose His Britannic Majesty having named for his Commissioner, Phineas Bond, Esquire, His Majesty's Consul-General for the Middle and Southern States of America, (and now His Majesty's Chargé d'Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation: They, the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications

mutually exchanged, shall be added to and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said Commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

[SEAL.] P. BOND.
[SEAL.] TIMOTHY PICKERING.

1798.[a]

EXPLANATORY ARTICLE TO THE TREATY OF NOVEMBER 19, 1794, RELEASING THE COMMISSIONERS UNDER THE FIFTH ARTICLE FROM PARTICULARIZING THE LATITUDE AND LONGITUDE OF THE RIVER ST. CROIX.

Concluded March 15, 1798; Ratification advised by Senate June 5, 1798.

Whereas by the twenty-eighth article of the treaty of amity, commerce, and navigation between His Britannick Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed; that they would sincerely endeavour so to form such articles as that they might conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to and make a part of that treaty: And whereas difficulties have arisen with respect to the execution of so much of the fifth article of the said treaty as requires that the Commissioners appointed under the same should in their description particularize the latitude and longitude of the source of the river which may be found to be the one truly intended in the treaty of peace between His Britannick Majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient that the said Commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by His Britannick Majesty and the United States of America their Plenipotentiaries for the purpose of treating of and concluding such articles as may be proper to be added to the said treaty, in conformity to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare in the name of His Britannick Majesty and of the United States of America, that the Commissioners appointed under the fifth article of the above-mentioned treaty shall not be obliged to particularize, in their description, the latitude and longitude of the source

[a] See note concerning treaties with Great Britain, page 580.

of the river which may be found to be the one truly intended in the aforesaid treaty of peace under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said Commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, That as soon as may be after the decision of the said Commissioners, measures shall be concerted between the Government of the United States and His Britannick Majesty's Governors or Lieutenant Governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation between His Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said undersigned Plenipotentiaries of His Britannick Majesty and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms.

Done at London this fifteenth day of March, one thousand seven hundred and ninety-eight.

[SEAL.] GRENVILLE.
[SEAL.] RUFUS KING.

The declaration was made by the Commission under this treaty October 25, 1798.

1802.[a]

CONVENTION FOR PAYMENT OF INDEMNITIES AND SETTLEMENT OF DEBTS.

Concluded January 8, 1802; Ratifications advised by Senate April 26, 1802; Ratified by the President April 27, 1802; Ratifications exchanged July 15, 1802. Proclaimed April 27, 1802.

ARTICLES.

I. Claims; time of payments.
II. Claims under treaty of 1783.
III. Commissioners.
IV. Ratification.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce and navigation, concluded at London

[a] See note concerning treaties with Great Britain, page 580.

on the nineteenth day of November, one thousand seven hundred and ninety-four, between His Britannic Majesty and the United States of America, and in consequence thereof the proceedings of the Commissioners under the seventh article of the same treaty having been suspended, the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same, that is to say, His Britannic Majesty has named for his Plenipotentiary, the Right Honourable Robert Banks Jenkinson, commonly called Lord Hawkesbury, one of His Majesty's Most Honourable Privy Council, and his Principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, has named for their Plenipotentiary, Rufus King, Esquire, Minister Plenipotentiary of the said United States to his Britannic Majesty; who have agreed to and concluded the following articles:

ARTICLE I.

In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and His Britannic Majesty consents to accept, for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and place, and in the manner following, that is to say, the said sum of six hundred thousand pounds sterling shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons as shall be authorized by His Britannic Majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

ARTICLE II.

Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts theretofore contracted, it is hereby declared that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed and declared to be binding and obligatory on His Britannic Majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their *bona fide* debts.

ARTICLE III.

It is furthermore agreed and concluded that the Commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, re-assemble and proceed in the execution of their duties according to the provisions of the said seventh article, except only that, instead of the sums awarded by the said Commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years next after the exchange of the ratifications of this convention.

ARTICLE IV.

This convention, when the same shall have been ratified by His Majesty, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon His Majesty and the said United States.

In faith whereof we, the undersigned Plenipotentiaries of His Britannic Majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London the eighth day of January, one thousand eight hundred and two.

[SEAL.] HAWKESBURY.
[SEAL.] RUFUS KING.

1814.

TREATY OF PEACE AND AMITY.

(TREATY OF GHENT.)

Concluded at Ghent December 24, 1814; ratification advised by the Senate February 16, 1815; ratified by the President February 17, 1815; ratifications exchanged February 17, 1815; proclaimed February 18, 1815.

ARTICLES.

I. Peace declared; restoration of territory, archives, etc.
II. Cessation of hostilities.
III. Release of prisoners.
IV. Boundaries; determination of northeastern.
V. Boundaries; determination of northern, from St. Croix River to St. Lawrence River.
VI. Boundaries; determination of northern, from St. Lawrence River to Lake Superior.
VII. Boundaries; determination of northern, from Lake Huron to Lake of the Woods.
VIII. Powers of boundary commissions, etc.
IX. Cessation of hostilities with Indians.
X. Abolition of slave trade.
XI. Ratification.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the

two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship and good understanding between them, have, for that purpose, appointed their respective Plenipotentiaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Honourable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States;

Who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

Article I.

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

Article II.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days

from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

Article III.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

Article IV.[a]

Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia; In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and

[a] Decision of Commission under this article, page 619.

of the United States respectively. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed that, in event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined or omitted to act, as the case may be. And if the Commissioner so refusing, declinig or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or State, together with the report of such other Commissioner, then such sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred.

Article V.[a]

Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn and

[a] Decision of Commission under this article, page 620.

authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraquy, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article VI.[a]

Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraquy to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior;" and whereas doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and

[a] Decision of Commission under this article, page 620.

eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article VII.[a]

It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized upon their oaths impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article VIII.

The several boards of two Commissioners mentioned in the four preceding articles shall respectively have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements and decisions and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other

[a] Disagreement of Commission under this article, page 624.

expenses attending the said Commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

ARTICLE IX.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE X.

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

ARTICLE XI.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[SEAL.]	GAMBIER.
[SEAL.]	HENRY GOULBURN.
[SEAL.]	WILLIAM ADAMS.
[SEAL.]	JOHN QUINCY ADAMS.
[SEAL.]	J. A. BAYARD.
[SEAL.]	H. CLAY.
[SEAL.]	JONA. RUSSELL.
[SEAL.]	ALBERT GALLATIN.

DECLARATION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

NEW YORK, *November 24, 1817.*

SIR: The undersigned Commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America; and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan, in the Bay of Fundy, do each of them belong to His Britannic Majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The Commissioners have the honor to enclose herewith the decision.

In making this decision it became necessary that each of the Commissioners should yield a part of his individual opinion. Several reasons induced them to adopt this measure; one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be, with perfect respect, sir, your obedient and humble servants,

J. HOLMES.
THO. BARCLAY.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

DECISION OF THE COMMISSIONERS UNDER THE FOURTH ARTICLE OF THE TREATY OF GHENT. NOVEMBER 24, 1817.

By Thomas Barclay and John Holmes, Esquires, Commissioners, appointed by virtue of the fourth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent on the twenty-fourth day of December, one

thousand eight hundred and fourteen to decide to which of the two contracting parties to the said treaty the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three, between his said Britannic Majesty and the aforesaid United States of America.

We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims according to such evidence as should be laid before us on the part of his Britannic Majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

In faith and testimony whereof we have set our hands and affixed our seals, at the city of New York, in the State of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

[SEAL.] JOHN HOLMES.
[SEAL.] THO. BARCLAY.

Witness:
JAMES T. AUSTIN, *Agt. U. S. A.*
ANTH. BARCLAY, *Sec'y.*

COMMISSION UNDER ARTICLE V.—BOUNDARY FROM THE SOURCE OF THE SAINT CROIX RIVER TO THE SAINT LAWRENCE RIVER.

The Commission met September 23, 1816, and, having disagreed, held their last meeting April 13, 1822. By the convention of 1827 the dispute was left to the decision of the King of the Netherlands, who delivered his award January 10, 1831, which was not accepted by either Government and the boundary was finally agreed upon in the Webster-Ashburton treaty.

DECISION OF THE COMMISSIONERS UNDER THE SIXTH ARTICLE OF THE TREATY OF GHENT. DONE AT UTICA, IN THE STATE OF NEW YORK, 18TH JUNE, 1822.

The undersigned Commissioners, appointed, sworn and authorized, in virtue of the sixth article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and fourteen, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the

point where the 45th degree of north latitude strikes the river Iroquois or Cataraqua, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783:" Do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications and islands, embraced by the sixth article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the Commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before mentioned treaties, that is to say:

Beginning at a stone monument, erected by Andrew Ellicott, Esquire, in the year of our Lord one thousand eight hundred and seventeen, on the south bank, or shore, of the said river Iroquois or Cataraqua, (now called the St. Lawrence,) which monument bears south seventy-four degrees and forty-five minutes west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the forty-fifth parallel of north latitude strikes the said river; thence, running north thirty-five degrees and forty-five minutes west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores to a point opposite to the northwest corner, or angle, of said island; thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's Island; thence northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's Island; thence along the middle of the strait which divides Barnhart's and Sheik's island, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault Island; thence westerly (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault Island; thence up the north branch of the river, keeping to the north of, and near, the Lower Sault Island, and also north of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's Island; thence passing between the two islands called the Cats, to the middle of the river above; thence along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's Island and of the small island next above it, marked E, until it approaches the northeast angle of Goose Neck Island; thence along the passage which

divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence south of, and near, the two small islands called the Nut Islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's Island; thence passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence along the north side of the last-mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle; thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence along the middle of the river, passing north of island No. 14, south of 15, and 16, north of 17, south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26, and 27; thence along the middle of the river, north of Gull Island, and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's Island; thence to the north of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone Island; thence to the north of Grindstone Island, and keeping to the north also of the small islands, No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island in Lake Ontario; thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence westerly, along the middle of said lake, to a point opposite the mouth of the Niagara River; thence to and up the middle of the said river to the Great Falls; thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence along the middle of said strait to the head of Navy Island; thence to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake; thence along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence to the middle of the mouth of the Detroit

River, in a direction to enter the channel which divides Bois-Blanc and Sugar Islands; thence up the said channel to the west of Bois-Blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting or Great Turkey Island; thence along the western side, and near the shore of said last-mentioned island, to the middle of the river above the same; thence along the middle of said river, keeping to the southeast of, and near, Hog Island, and to the northwest of, and near, the island called Isle a la Pache, to Lake St. Clair; thence through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair, which is usually denominated the Old Ship Channel; thence along the middle of said channel, between Squirrel Island on the southeast, and Herson's Island on the northwest, to the upper end of the last-mentioned island, which is nearly opposite to Point aux Chênes, on the American shore; thence along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Riviere Isle, and Isle aux Cerfs, to Lake Huron; thence through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the Little Manitou Island on the east; thence through the middle of the passage which divides the two last-mentioned islands; thence turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the Island of St. Joseph's and the American shore, passing to the north of the intermediate islands No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence up the said last-mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue, and on the other with red,) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the sixth article of the treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes and water communications, between the before-described boundary-line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes and water communications, between the said boundary-line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the sixth article of the treaty of Ghent.

In faith whereof we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

[SEAL.] PETER B. PORTER.
[SEAL.] ANTH: BARCLAY.

COMMISSION UNDER ARTICLE VII.—BOUNDARY FROM LAKE HURON TO THE LAKE OF THE WOODS.

The Commission met June 22, 1822, and, having disagreed, held their final meeting December 24, 1827. The boundary was agreed to by the Webster-Ashburton treaty.

1815.[a]

Convention of Commerce and Navigation.

Concluded July 3, 1815; ratification advised by the Senate, subject to exception as to the island of St. Helena, December 19, 1815; ratified by the President December 22, 1815; ratifications exchanged December 22, 1815; proclaimed December 22, 1815.

Articles.

I. Freedom of commerce and navigation.
II. Import and export duties; shipping; trade with British possessions in West Indies and North America.
III. Trade with British East Indies, etc.
IV. Consuls.
V. Duration; ratification.
Declaration. Vessels excluded from island of St. Helena.

The United States of America and His Britannick Majesty being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries, and given them full powers to treat of and conclude such convention, that is to say:

The President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has named for his Plenipotentiaries the Right Honourable Frederick John Robinson, Vice-President of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a member of the Imperial Parliament, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws;

And the said Plenipotentiaries, having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, vide licet:

Article I.

There shall be between the territories of the United States of America, and all the territories of His Britannick Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come

[a] This convention was continued in force for ten years by Article IV, treaty of 1818, and indefinitely extended by the convention of August 6, 1827.

with their ships and cargoes to all such places, ports and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively.

ARTICLE II.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce or manufacture of his Britannick Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannick Majesty in Europe of any articles the growth, produce or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to His Britannick Majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the growth, produce or manufacture of the United States, or of His Britannick Majesty's territories in Europe, to or from the said territories of His Britannick Majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannick Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles the growth, produce or manufacture of His Britannick Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of His Britannick Majesty's territories in Europe, of any article the growth, produce or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce or manufacture of His Britannick Majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels; and the same duties shall be paid, and the same bounties allowed, on the exportation of any articles the growth, produce or manufacture of the United States, to His Britannick Majesty's territories in Europe, whether such exportation shall be in Britihs vessels or in vessels of the United States.

It is further agreed that in all cases where drawbacks are or may be allowed upon the re-exportation of any goods the growth, produce or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the territories of His Britannick Majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

The intercourse between the United States and his Britannick Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights, with respect to such an intercourse.

Article III.

His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, vide licit: Calcutta, Madras, Bombay, and Prince of Wales' Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favor'd European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

But is it expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British Dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at

the Cape of Good Hope, the island of St. Helena,[a] or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government from time to time established.

ARTICLE IV.

It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared that, in case of illegal or improper conduct towards the laws or Government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended Government assigning to the other the reasons for the same.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be so excepted.

ARTICLE V.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannick Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and His Majesty for four years from the date of its signature;[b] and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Done at London this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

[SEAL.]	JOHN QUINCY ADAMS.
[SEAL.]	H. CLAY.
[SEAL.]	ALBERT GALLATIN.
[SEAL.]	FREDERICK JOHN ROBINSON.
[SEAL.]	HENRY GOULBURN.
[SEAL.]	WILLIAM ADAMS.

DECLARATION.[c]

The undersigned, His Britannick Majesty's Chargé d'Affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare, upon the exchange of the ratifica-

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[a] See "Declaration" at the end of this convention.

[b] Continued for ten years by the fourth article of the convention of 20th October, 1818, and indefinitely extended by convention of August 6, 1827.

[c] In consequence of the death of the Emperor Napoleon Bonaparte, the British Government notified the Minister of the United States at London of the cessation of this restriction, on the 30th July, 1821.

tions of the convention concluded at London on the third of July of the present year, for regulating the commerce and navigation between the two countries, that, in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company, shall be excluded from all communication with, or approach to, that island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena, and the ratifications of the said treaty will be exchanged under explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with, the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.

ANTHONY ST. JNO. BAKER.

WASHINGTON, *November 24, 1815.*

1817.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CONCERNING NAVAL FORCE ON THE GREAT LAKES.

Signed at Washington, April 28–29, 1817; ratification advised by the Senate, April 16, 1818; proclaimed by the President, April 28, 1818.

WASHINGTON, *April 28 1817*

The Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acquaint Mr Rush, that having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the Undersigned upon the subject of a proposal to reduce the Naval Force of the respective Countries upon the American Lakes, he has received the commands of His Royal Highness The Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the Undersigned by the Secretary of the Department of State in his note of the 2d of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the Naval Force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following Vessels on each side—that is

On Lake Ontario to one Vessel not exceeding one hundred Tons burthen and armed with one eighteen pound cannon.

On the Upper Lakes to two Vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain to one Vessel not exceeding like burthen and armed with like force.

And His Royal Highness agrees, that all other armed Vessels on these Lakes shall be forthwith dismantled, and that no other Vessels of War shall be there built or armed.

His Royal Highness further agrees, that if either Party should hereafter be desirous of annulling this Stipulation, and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued orders to His Majesty's Officers on the Lakes directing, that the Naval Force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other Party.

The Undersigned has the honour to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT

DEPARTMENT OF STATE,
April 29 1817.

The Undersigned, acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannick Majesty, the correspondence which passed last year between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American Lakes, he had received the commands of His Royal Highness The Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the second of August last.

The Undersigned has the honor to express to Mr. Bagot the satisfaction which The President feels at His Royal Highness The Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the Undersigned, by direction of The President, has the honor to state, that this Government, cherishing the same sentiments expressed in the note of the second of August, agrees, that the naval force to be maintained upon the Lakes by the United States and Great Britain shall, henceforth, be confined to the following vessels on each side, that is:

On Lake Ontario to one vessel not exceeding One Hundred Tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And it agrees, that all other armed vessels on these Lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees, that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned is also directed by The President to state, that proper orders will be forthwith issued by this Government to restrict

the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The Undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

[BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States, and the Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen pound cannon

"On the Upper Lakes, to two vessels not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel not exceeding like burden, and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the city of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

By the President:

JAMES MONROE.

JOHN QUINCY ADAMS,
Secretary of State.]

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156 Fifth Avenue, New York.

1818.

Convention Respecting Fisheries, Boundary and the Restoration of Slaves.[a]

Concluded October 20, 1818; ratification advised by the Senate January 25, 1819; ratified by the President January 28, 1819; ratifications exchanged January 30, 1819; proclaimed January 30, 1819.

Articles.

I. Fisheries.
II. Boundary from the Lake of the Woods to the Stony Mountains.
III. Country west of the Stony Mountains.
IV. Commercial convention extended.
V. Claims for restitution of slaves.
VI. Ratification.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States, on his part, has appointed, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esq., one of His Majesty's Under Secretarys of State:—

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles.

Article I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador;

[a] Federal case: McKay *v.* Campbell, 2 Sawy, 118.

but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits; Provided however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

ARTICLE II.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or, if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel shall be the line of demarcation between the territories of the United States, and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

ARTICLE III.[a]

It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim, which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

ARTICLE IV.[b]

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Majesty" concluded at London on the third day of July in the year

[a] See convention of 1827. [b] See convention of 1815.

of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner, as if all the provisions of the said convention were herein specially recited.

ARTICLE V.[a]

Whereas, it was agreed by the first Article of the treaty of Ghent, that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay; and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of, or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of, or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State, to be final and conclusive on all the matters referred.

ARTICLE VI.

This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[SEAL.]	ALBERT GALLATIN.
[SEAL.]	RICHARD RUSH.
[SEAL.]	FREDERICK JOHN ROBINSON.
[SEAL.]	HENRY GOULBURN.

[a] Referred to Emperor of Russia, convention of 1822.

1822.

CONVENTION FOR INDEMNITY UNDER AWARD OF EMPEROR OF RUSSIA AS TO THE TRUE CONSTRUCTION OF FIRST ARTICLE OF THE TREATY OF DECEMBER 24, 1814.

Concluded July 12, 1822; ratification advised by the senate January 3, 1823; ratified by the President January 1823; ratifications exchanged January 10, 1823; proclaimed January 11, 1823.

ARTICLES.

I. Arbitrators and commissioner.
II. Agreement as to value.
III. Commissioners to examine.
IV. Examinations and evidence.
V. Case of disagreement.
VI. Finality of decision; payment.
VII. Pay of commissioners.
VIII. Certified copies of convention.

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two Governments, upon the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property which the British forces may have carried away; and, as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

Now, for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been farther invoked to assist in framing such convention or articles of agreement between the United States of America and his Britannic Majesty as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And

His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Councellor, member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hannovre; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honour of France, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zahringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust, and conclude such articles of agreement as may tend to the attainment of the above-mentioned end, with the Plenipotentiaries of the United States and of His Britannic Majesty, that is to say:

On the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias; and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Charles Bagot, one of Mis Majesty's most Honorable Privy Council, Knight Grand Cross of the most honorable Order of the Bath, and his Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias;

And the said Plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say: One Commissioner and one Arbitrator shall be nominated and appointed by the President of the United States of America, by and with the advice and consent of the Senate thereof; and one Commissioner and one Arbitrator shall be appointed by His Britannic Majesty. And the two Commissioners and two Arbitrators, thus appointed, shall meet and hold their sittings as a board in the city of Washington. They shall have power to appoint a secretary, and

before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings, that is to say: "I, A. B., one of the Commissioners (or Arbitrators, as the case may be) appointed in pursuance of the convention concluded at St. Petersburg on the $\frac{30\text{th}}{12\text{th}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two, between His Majesty the Emperor of all the Russias, the United States of America, and His Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as Commissioner (or Arbitrator, as the case may be) under the said convention."

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new Commissioners or Arbitrators shall take the same oath or affirmation, and perform the same duties.

ARTICLE II.

If, at the first meeting of this board, the Governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the Commissioners and Arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and, upon the evidence so obtained, they shall agree upon and fix the average value. But in case that the majority of the board of Commissioners and Arbitrators should not be able to agree respecting such average value, then, and in that case, recourse shall be had to the arbitration of the Minister or other Agent of the mediating Power accredited to the Government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said Minister or Agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before-mentioned methods, shall, in all cases, serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

ARTICLE III.

When the average value of slaves shall have been ascertained and fixed, the two Commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States that they are ready to receive a definite list of the slaves and other private property for which the citizens of the United States claim idemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic Majesty shall not be required to make, compensation for any claims

for private property under the first article of the treaty of Ghent not contained in the said list. And his Britannic Majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which his Majesty's Government may be in possession, by returns from His Majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

ARTICLE IV.

The two Commissioners are hereby empowered and required to go into an examination of all the claims submitted, thro' the abovementioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the Imperial decision hereinabove recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And, in considering such claims, the Commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them touching the real number of the slaves, or value of other property, for which idemnification is claimed; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said Commissioners shall see cause to require or allow.

ARTICLE V.

In the event of the two Commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two Arbitrators, who, after having given due consideration to the matter contested, shall consult with the Commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two Commissioners and of the Arbitrator so drawn by lot. And the Arbitrator, when so acting with the two Commissioners, shall be bound in all respects by the rules of proceeding enjoined by the IVth article of this convention upon the Commissioners, and shall be vested with the same powers, and be deemed, for that case, a Commissioner.

ARTICLE VI.

The decision of the two Commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the slaves, or other property, for which indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times and at such place or places as shall be awarded by the said Commissioners, and on condition of such releases or assignments to

be given as they shall direct: Provided, that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

Article VII.

It is farther agreed that the Commissioners and Arbitrators shall be respectively paid in such manner as shall be settled between the Governments of the United States and Great Britain at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission shall be defrayed jointly by the United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

Article VIII.

A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the Minister or other Agent of the mediating Power accredited to the Government of the United States, as soon as may be after the ratifications shall have been exchanged; which last shall be effected at Washington in six months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate at St. Petersburg, this $\frac{\text{thirtieth}}{\text{twelfth}}$ day of $\frac{\text{June.}}{\text{July.}}$ one thousand eight hundred and twenty-two.

[SEAL.]	Nesselrode.
[SEAL.]	Capodistrias.
[SEAL.]	Henry Middleton.
[SEAL.]	Charles Bagot.

A.

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, realtive to the interpretation of the first article of the treaty of Ghent.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two Powers.

He will doubtless recollect that he, as well as the Plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the grammatical sense of the first article of the treaty of Ghent, and that, even in his note of the 4th (16th) November, 1821, he has formally declared that it was on the *signification of the words in the text of the article as it now is* that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary dated 8th (20th) October, 1821, the Emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

The above-mentioned opinion will show the manner in which His Imperial Majesty judges of this question; and in order that the Cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the treaty of Ghent.

In this respect the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two Powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, *22d April, 1822.*

HIS IMPERIAL MAJESTY'S AWARD.

[Translation.]

Invited by the United States of America and by Great Britain to give an opinion, as Arbitrator, in the differences which have arisen between these two Powers, on the subject of the interpretation of the first article of the treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, memorials, and notes in which the respective Plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considering that the American Plenipotentiary and the Plenipotentiary of Britain have desired that the discussion should be closed;

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is *upon the construction of the text of the article as it stands*, that the Arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the treaty of Ghent."

As to the literal and grammatical sense of the first article of the treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

Considering that, in this period, the words *originally captured, and which shall remain therein upon the exchange of the ratifications*, form an incidental phrase, which can have respect, *grammatically*, only to the substantives or subjects which precede;

That the first article of the treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitu-

tion, only the public property *which might have been originally captured there, and which should remain therein upon the exchange of the ratifications*, but that it prohibits the carrying away from these same places *any private property* whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution;

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories;

"That the United States are entitled to consider, as having been so carried away, all such slaves as may have been transported from the above-mentioned territories on board of the British vessels within the waters of the said territories, and who, for this reason, have not been restored;

"But that, if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim any indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two States, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg 22d April, 1822.

B.

Count Nesselrode to Mr. Middleton.

[Translation.]

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st article of the treaty of Ghent.

Sir Charles Bagot understands that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America:

The Emperor having, by the mutual consent of the two Plenipotentiaries, given an opinion founded solely upon the sense which results *from the text of the article* in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st article of the treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation:

"That, in quitting the places and territories of which the treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the treaty of Ghent stipu-

lates the restitution, upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or come into the power of her officers."

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, *22d April, 1822.*

The Commission provided for in the foregoing treaty met in Washington August 25, 1823, and having fixed the average value of the slaves on September 13, 1824, met to consider the claims. Being unable to agree, the convention of November 13, 1826, was negotiated and the Commission was dissolved March 26, 1827.

1826.

CONVENTION RELATIVE TO INDEMNITY FOR SLAVES.

Concluded November 13, 1826; ratification advised by the senate December 26, 1826; ratified by the President December 27, 1826; ratifications exchanged February 6, 1827; proclaimed March 19, 1827.

ARTICLES.

I. Sum to be paid.
II. Convention annulled.
III. Place of payment.
IV. To be in full payment.
V. Papers of the commission.
VI. Ratification.

Difficulties having arisen in the execution of the convention concluded at St. Petersburgh on the twelfth day of July, 1822, under the mediation of His Majesty the Emperor of all the Russias, between the United States of America and Great Britain, for the purpose of carrying into effect the decision of His Imperial Majesty upon the differences which had arisen between the said United States and Great Britain on the true construction and meaning of the first article of the treaty of peace and amity concluded at Ghent on the twenty-fourth day of December, 1814: The said United States and his Britannick Majesty, being equally desirous to obviate such difficulties, have respectfully named Plenipotentiaries to treat and agree respecting the same, that is to say:

The President of the United States of America has appointed Albert Gallatin their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable William Huskisson, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, and Treasurer of his said Majesty's Navy, and Henry Unwin

Addington, Esquire, late His Majesty's Chargé d'Affaires to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnifications and compensation by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete satisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention.

ARTICLE II.

The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the Commissioners appointed under the said convention;—and save and except so much of the third article of the same as relates to the definitive list of claims and has already likewise been carried into execution by the said Commissioners.

ARTICLE III.

The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows:

The payment of the first half to be made twenty days after official notification shall have been made by the Government of the United States to His Britannick Majesty's Minister in the said United States of the ratification of the present convention by the President of the United States, by and with the advice and consent of the Senate thereof.

And the payment of the second half to be made on the first day of August, 1827.

ARTICLE IV.

The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the Government of Great Britain shall have no further concern or liability therein.

ARTICLE V.

It is agreed that from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the

said convention of St. Petersburgh, of the twelfth of July, 1822, shall be dissolved; and upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention, shall be delivered over to such person or persons as shall be duly authorized on the part of the United States to receive the same. And the British Commissioner shall make over to such person or persons, so authorized, all the documents and papers (or authenticated copies of the same, where the originals cannot conveniently be made over) relating to claims under the said convention, which he may have received from his Government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

Article VI.

The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner if possible.

In witness whereof the Plenipotentiaries aforesaid, by virtue of their respective full powers, have signed the same, and have affixed thereunto the seals of their arms.

Done at London this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six.

[SEAL.] Albert Gallatin.
[SEAL.] William Huskisson.
[SEAL.] Henry Unwin Addington.

By Act of Congress of March 2, 1827, a commission was authorized to settle the claims referred to in the foregoing convention. Its first meeting was held July 10, 1827, and it adjourned August 31, 1828.

1827.

Convention Continuing in Force Article III Treaty of 1818.

Concluded August 6, 1827; ratification advised by the Senate February 5, 1828; ratified by the President February 21, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two nations, with respect to the territory on the northwest coast of America, west of the Stoney or Rocky Mountains, after the expiration of the third article of the convention concluded between them on the twentieth of October, 1818; and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said article, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty; and His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of his said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire:

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I.

All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland on the twentieth of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

Article II.

It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention: and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Article III.

Nothing contained in this convention, or in the third article of the convention of the twentieth of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stoney or Rocky Mountains.

Article IV.

The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

It witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.]	Albert Gallatin.
[SEAL.]	Cha. Grant.
[SEAL.]	Henry Unwin Addington.

The boundary from the Rocky Mountains to the Pacific Coast was agreed to by the treaty of 1846.

1827.

Commercial Convention.

Concluded August 6, 1827; ratification advised by the Senate January 9, 1828; ratified by the President January 12, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828.

Articles.

I. Commercial convention continued
II. Duration.
III. Ratification.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two Countries, which are contained in the Convention concluded between Them on the Third of July 1815, and further renewed by the Fourth Article of the Convention of the Twentieth of October 1818,—have, for that purpose, named Their respective Plenipotentiaries, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty:

And his Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;—and Henry Unwin Addington, Esquire:—

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Article I.

All the Provisions of the Convention concluded between the United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, on the Third of July 1815, and further continued for the term of ten Years by the fourth Article of the Convention of the Twentieth of October 1818, with the exception therein contained, as to S^{t} Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten Years, in the same manner as if all the Provisions of the said Convention of the Third of July 1815, were herein specifically recited.

Article II.

It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the expiration of the said ten years,—that is, after the Twentieth of October, 1828,—on giving due notice of twelve months to the other Contracting Party, to annul and abrogate this Convention:—and it shall, in such case,

be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ARTICLE III.

The present Convention shall be ratified, and the Ratifications shall be exchanged in Nine Months, or sooner if possible.

In Witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.—

Done at London the Sixth day of August, in the Year of Our Lord One Thousand Eight Hundred and Twenty-Seven.

[SEAL.] ALBERT GALLATIN
[SEAL.] CHA. GRANT.
[SEAL.] HENRY UNWIN ADDINGTON.

1827.

CONVENTION PROVIDING FOR THE SUBMISSION TO ARBITRATION THE DISPUTE CONCERNING THE NORTHEASTERN BOUNDARY.

Concluded September 29, 1827; ratification advised by the Senate January 14, 1828; ratified by the President February 12, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828.

ARTICLES.

I. Reference of difficulties.
II. Statement of respective cases.
III. Evidence.
IV. Maps.
V. Delivery of statement.
VI. Procedure.
VII. Decision.
VIII. Ratification.

Whereas it is provided by the fifth article of the treaty of Ghent, that, in case the Commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the contracting parties as final and conclusive: That case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland have, for that purpose, named their Plenipotentiaries, that is to say:

The President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty; and His said Majesty, on his part, has appointed the Right Honourable Charles Grant, a member of Parliament, a member of His said Majesty's Most Honourable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations, and Henry Unwin Addington, Esquire;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

It is agreed that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the 5th article of the treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The two contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the Arbiter shall have signified his consent to act as such.

ARTICLE II.

The reports and documents, thereunto annexed, of the Commissioners appointed to carry into execution the 5th article of the treaty of Ghent, being so voluminous and complicated as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute, for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting parties, that is to say, by the United States to His Britannick Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party, so communicated, which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting parties, within twenty-one months after the exchange of ratifications of the present convention.

ARTICLE III.

Each of the contracting parties shall, within nine months after the exchange of ratifications of this convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission, under the 5th article of the treaty of Ghent.

Each of the contracting parties shall be bound, on the application of the other party, made within six months after the exchange of the ratifications of this convention, to give authentick copies of such indi-

vidually specified acts of a publick nature, relating to the territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description be adduced or adverted to, by either party, other than that mutually communicated or applied for as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission under the 5th article of the treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Article IV.

The map called Mitchell's map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting parties, as a delineation of the water-courses, and of the boundary lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above-named Plenipotentiaries, at the same time with this convention, shall be annexed to the statements of the contracting parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting parties, of the topography of the country.

It shall, however, be lawful for either party to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed by the Commissioners under the 5th article of the treaty of Ghent, any engraved map heretofore published, and also a transcript of the above-mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundry lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this convention, and shall be subject to such objections and observations as the other contracting party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

Article V.

All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall,

without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State within two years after the exchange of ratifications of this convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents shall ever be laid before the Arbiter, except as hereinafter provided.

ARTICLE VI.

In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence in regard to any specifick point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

And in case the Arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit; which surveys shall be made at the joint expense of the contracting parties, and be considered as conclusive by them.

ARTICLE VII.

The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting parties.

ARTICLE VIII.

This convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

[SEAL.] ALBERT GALLATIN.
[SEAL.] CHA. GRANT.
[SEAL.] HENRY UNWIN ADDINGTON.

On January 10, 1831, the King of the Netherlands submitted an award which was not accepted by either Government. The boundary was finally determined by the convention of August 9, 1842.

1842.

Convention as to Boundaries, Suppression of Slave Trade, and Extradition.[a]

(WEBSTER-ASHBURTON TREATY.)

Concluded August 9, 1842; ratification advised by the Senate August 20, 1842; ratified by the President August 22, 1842; ratifications exchanged October 13, 1842; proclaimed November 10, 1842.

Articles.

I. Northeastern boundary agreed to.
II. Northern boundary, Lake Huron to Lake of the Woods.
III. Navigation of St. John River.
IV. Confirmation of prior land grants.
V. Distribution of "Disputed territory fund."
VI. Commission to mark northeastern boundary line.
VII. Channels open to both parties.
VIII. Suppression of slave trade.
IX. Remonstrances with other powers.
X. Extradition of fugitives from justice.
XI. Duration.
XII. Ratification.

Whereas certain portions of the line of boundary between the United States of America and the British dominions of North America, described in the second article of the treaty of peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both parties, that, avoiding further discussion of their respective rights, arising in this respect under the said treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable; and whereas, by the treaty concluded at Ghent on the 24th day of December, 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, vizt: "Art. 10. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice: and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeav-

[a] Federal cases: In re Kaine (14 How., 103), U. S. *v.* Rauscher (119 U. S., 407), Bryant *v.* U. S. (167 U. S., 104), In re Kelly (2 Lowell, 339), In re Dugau (2 Lowell, 367), Ex parte Ross (2 Bond, 252), The British Prisoners (1 Wood. & M., 66), Ex parte Kaine (3 Blatch., 1), Ex parte Van Aernam (3 Blatch., 160), U. S. *v.* Caldwell (8 Blatch., 131), In re MacDonnell (11 Blatch., 79, 170), U. S. *v.* Lawrence (13 Blatch., 295), In re Fowler (4 Fed. Rep., 303), Ex parte Lane (6 Fed. Rep., 34), U. S. *v.* Watts (14 Fed. Rep., 130), In re Wadge (15 Fed. Rep., 864; 16 Fed. Rep., 332), In re Tully (20 Fed. Rep., 812), In re Miller (23 Fed. Rep., 32), In re Kelley (25 Fed. Rep., 268; 26 Fed. Rep., 852), Ex parte Hibbs (26 Fed. Rep., 421), In re Ferrelle (28 Fed. Rep., 878), In re McPhun (30 Fed. Rep., 57), In re Fergus (30 Fed. Rep., 607), In re Herres (33 Fed. Rep., 165), In re Charleston (34 Fed. Rep., 531), In re Reinitz (39 Fed. Rep., 204), In re Cross (43 Fed. Rep., 517), In re Mineau (45 Fed. Rep., 188), Hall *v.* Patterson (45 Fed. Rep., 352), In re Carrier (57 Fed. Rep., 578), In re Sternaman (77 Fed. Rep., 595; 80 Federal, 883; 83 Federal, 690), In re Newman (79 Fed. Rep., 622), In re Bryant (80 Fed. Rep., 282), In re Orpen (86 Fed. Rep. 760), Cohn *v.* Jones (100 Fed. Rep., 639), In re Herskovitz (136 Fed. Rep., 713).

ors to accomplish so desirable an object;" and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on; and whereas the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland are determined that, so far as may be in their power, it shall be effectually abolished; and whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up: The United States of America and Her Britannic Majesty, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a treaty, that is to say:

The President of the United States has, on his part, furnished with full powers Daniel Webster, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Alexander Lord Ashburton, a peer of the said United Kingdom, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Minister Plenipotentiary on a special mission to the United States;

Who, after a reciprocal communication of their respective full powers, have agreed to and signed the following articles:

Article I.

It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the Commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the

source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence River.

ARTICLE II.

It is moreover agreed, that from the place where the joint Commissioners terminated their labors under the sixth article of the treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship-channel between Saint Joseph and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence up the east Neebish Channel, nearest to St. George's Island, through the middle of Lake George; thence, west of Jonas' Island, into St. Mary's River, to a point in the middle of that river, about one mile above St. George's or Sugar Island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the Commissioners, thro' the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern main land, to the mouth of Pigeon River, and up the said river, to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude 49° 23′ 55″ north, and in longitude 95° 14′ 38″ west from the observatory at Greenwich; thence, according to existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water communications and all the usual portages along the line from Lake Superior to the Lake of the

Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.

Article III.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the sea-port at the mouth of the said river St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to Her Britannic Majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the State of Maine; Provided, always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

Article IV.

All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

ARTICLE V.

Whereas in the course of the controversy respecting the disputed territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "disputed territory fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries, it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to, the States of Maine and Massachusetts, their respective portions of said fund, and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty.

ARTICLE VI.

It is furthermore understood and agreed that, for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence River which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty; and the said Commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing-line along said river and along the river St. Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said lake they shall ascertain, fix, and mark, by proper and durable monuments on the land, the line described in the first article of this treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

ARTICLE VII.

It is further agreed that the channels in the river St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the

channels in the river Detroit on both sides of the island Bois Blanc, and between that island and both the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ARTICLE VIII.[a]

The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron or naval force of vessels of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade, the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectively to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article, copies of all such orders to be communicated by each Government to the other, respectively

ARTICLE IX.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave-trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed unless all markets be shut against the purchase of African negroes, the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions such markets are allowed to exist, and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and forever.

ARTICLE X.[b]

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum or shall be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon

[a] See Treaties of 1862, 1863, 1870, and General Act of July 2, 1890, p. 1964.
[b] See convention of 1889, p. 740.

complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Article XI.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

Article XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the ninth day of August, anno Domini one thousand eight hundred and forty-two.

[SEAL.] DANL. WEBSTER.
[SEAL.] ASHBURTON.

1846.[a]

Treaty Establishing Boundary West of the Rocky Mountains.

Concluded June 15, 1846; ratification advised by the Senate June 18, 1846; ratified by the President June 19, 1846; ratifications exchanged July 17, 1846; proclaimed August 5, 1846.

Articles.

I. Boundary established; free navigation.
II. Navigation of Columbia River.
III. Property rights.
IV. Property of Puget's Sound Agricultural Company.
V. Ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should

[a] Federal Cases: McKay *v.* Campbell (2 Sawy., 118); Town *v.* DeHaven (5 Sawyer, 146).

be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say:

The President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Richard Pakenham, a member of Her Majesty's Most Honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

Article II.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in like manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

Article III.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ARTICLE IV.

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the parties.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] JAMES BUCHANAN.
[SEAL.] RICHARD PAKENHAM.

1870.

DECLARATION APPROVING AND ADOPTING THE MAPS PREPARED BY THE JOINT COMMISSION OF THE NORTHWEST BOUNDARY FOR SURVEYING AND MARKING THE BOUNDARIES BETWEEN THE BRITISH POSSESSIONS AND THE UNITED STATES ALONG THE 49TH PARALLEL OF NORTH LATITUDE, UNDER THE FIRST ARTICLE OF THE TREATY OF 15TH JUNE, 1846.

Signed at Washington February 24th, 1870.

The undersigned Hamilton Fish, Secretary of State of the United States, and Edward Thornton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, duly authorized by their respective Governments, having met together:

The set of maps, seven in number, which have been prepared by the Commissioners appointed by the two Powers to survey and mark out the Boundary between their respective Territories under the first article of the Treaty concluded between them at Washington on the 15th of June, 1846, having been produced;

And it appearing that they do correctly indicate the said Boundary from the point where the Boundary laid down in Treaties and Conventions prior to June 15th, 1846, terminates Westward on the 49th Parallel of North Latitude to the Eastern shore of the Gulf of Georgia, which Boundary has been defined by the Commissioners by marks upon the ground;

The undersigned, without prejudice to the rights of their respective Governments as to the settlement and the determination of the remainder of the said Boundary, hereby declare that the said maps certified and authenticated under the signatures of Archibald Campbell, Esquire, the Commissioner of the United States, and of Colonel John Summerfield Hawkins, Her Britannic Majesty's Commissioner, and of which duplicate copies similarly certified and authenticated are in the possession of the Government of Her Britannic Majesty have been duly examined and considered, and, as well as the marks by which the Boundary to the Eastern shore of the Gulf of Georgia has been defined upon the ground, are approved, agreed to, and adopted by both Governments.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington the twenty fourth day of February, in the year of our Lord, one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH
[SEAL.] EDWD. THORNTON

1850.[a]

CONVENTION AS TO SHIP-CANAL CONNECTING ATLANTIC AND PACIFIC OCEANS.

(CLAYTON-BULWER TREATY.)

Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850.

ARTICLES.

I. Declaration as to control of canal, occupation of territory, and commercial advantages.
II. Neutrality of canal in case of war.
III. Protection of construction.
IV. Mutual influence to facilitate construction.
V. Guarantee of neutrality.
VI. Cooperation of other States.
VII. Mutual encouragement to speedy construction.
VIII. Protection to other communications.
IX. Ratification.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua, and

[a] This convention is superseded by the convention concluded November 18, 1901.

either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honourable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

Article I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal: agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Article II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Article III.

In order to secure the construction of the said canal, the contracting parties engage that, if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said canal to its completion, by the

Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of pro-

tecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Article VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprize, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

Article VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States

and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Article IX.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] HENRY LYTTON BULWER.

1850.

PROTOCOL OF A CONFERENCE HELD AT THE FOREIGN OFFICE, DECEMBER 9, 1850, CEDING HORSE-SHOE REEF TO THE UNITED STATES.

Abbott Lawrence, Esquire, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the court of Her Britannic Majesty, and Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, having met together at the foreign office:

Mr. Lawrence stated that he was instructed by his Government to call the attention of the British Government to the dangers to which the important commerce of the great Lakes of the Interior of America, and more particularly that concentrating at the town of Buffalo near the entrance of the Niagara River from Lake Erie, and that passing through the Welland Canal, is exposed from the want of a lighthouse near the outlet of Lake Erie. Mr. Lawrence stated that the current of the Niagara River is at that spot very strong, and increases in rapidity as the river approaches the falls; and as that part of the river is necessarily used for the purpose of a harbor, the Congress of the United States, in order to guard against the danger arising from the rapidity of the current, and from other local causes, made an appropriation for the construction of a lighthouse at the outlet of the lake. But on a local survey being made, it was found that the most eligible site for the erection of the lighthouse was a reef known by the name of the "Horse-shoe Reef," which is within the dominions of Her Britannic Majesty; and Mr. Lawrence was therefore instructed by the Government of the United States to ask whether the Government of Her Britannic Majesty will cede to the United States the Horse-shoe Reef, or such part thereof as may be necessary for the purpose of erecting a lighthouse; and if not,

whether the British Government will itself erect and maintain a lighthouse on the said Reef.

Viscount Palmerston stated to Mr. Lawrence in reply, that Her Majesty's Government concurs in opinion with the Government of the United States, that the proposed lighthouse would be of great advantage to all vessels navigating the Lakes; and that Her Majesty's Government is prepared to advise Her Majesty to cede to the United States such portion of the Horse-shoe Reef as may be found requisite for the intended lighthouse, provided the Government of the United States will engage to erect such lighthouse, and to maintain a light therein; and provided no fortification be erected on the said Reef.

Mr. Lawrence and Viscount Palmerston, on the part of their respective Governments, accordingly agreed that the British Crown should make this cession, and that the United States should accept it, on the above-mentioned conditions.

ABBOTT LAWRENCE.
PALMERSTON.

On the receipt of this Mr. Webster, January 17, 1851, instructed Mr. Lawrence to "address a note to the British Secretary of State for Foreign Affairs, acquainting him that the arrangement referred to is approved by this Government." MS. Department of State. Mr. Lawrence did so on the 10th of the following February.

The acts of Congress making appropriations for the erection of the light-house will be found in 9 St. at L., 380 and 627, and 10 St. at L., 343. It was erected in the year 1856.

1853.

CLAIMS CONVENTION.

Concluded February 8, 1853; ratification advised by the Senate March 15, 1853; ratified by the President March 17, 1853; ratifications exchanged July 26, 1853; proclaimed August 20, 1853.

ARTICLES.

I. Claims; commissioners, etc.
II. Investigation of claims.
III. Time; examination; decision.
IV. Payment.
V. Finality of decision.
VI. Record; compensation, etc.
VII. Ratification.

Whereas claims have at various times since the signature of the treaty of peace and friendship between the United States of America and Great Britain, concluded at Ghent on the 24th of December, 1814. been made upon the Government of the United States on the part of corporations, companies, and private individuals, subjects of Her Britannic Majesty, and upon the Government of Her Britannic Majesty on the part of corporations, companies, and private individuals, citizens of the United States; and whereas some of such claims are still pending, and remain unsettled: The President of the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the

maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States of America, Joseph Reed Ingersoll, Envoy Extraordinary and Minister Plenipotentiary of the United States to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Russell, (commonly called Lord John Russell,) a member of Her Britannic Majesty's Most Honourable Privy Council, a member of Parliament, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

Article I.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States upon the Government of Her Britannic Majesty, and all claims on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of peace and friendship concluded between the United States of America and Great Britain, at Ghent, on the 24th of December, 1814, and which yet remained unsettled, as well as any other such claims which may be presented within the time specified in Article III, hereinafter, shall be referred to two Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by Her Britannic Majesty. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States, or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner originally named.

The Commissioners so named shall meet at London at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then, and before proceeding to any other business, name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person; and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular

case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

ARTICLE II.

The Commissioners shall then forthwith conjointly proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the Commissioners, shall decide thereupon finally, and without appeal. The decision of the Commissioners, and of the Arbitrator or Umpire, shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of any transaction of a date prior to the 24th of December, 1814, shall be admissible under this convention.

ARTICLE III.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Com-

missioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within one year from the day of their first meeting. It shall be competent for the Commissioners conjointly, or for the Arbitrator or Umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction, save as specified in Article VI hereinafter.

Article V.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Article VI.

The Commissioners, and the Arbitrator or Umpire, shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a clerk, or other persons, to assist them in the transaction of the business which may come before them.

Each Government shall pay to its Commissioner an amount of salary not exceeding three thousand dollars, or six hundred and twenty pounds sterling, a year, which amount shall be the same for both Governments.

The amount of salary to be paid to the Arbitrator (or Arbitrators, as the case may be) shall be determined by mutual consent at the close of the commission.

The salary of the clerk shall not exceed the sum of fifteen hundred dollars, or three hundred and ten pounds sterling, a year.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a rateable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

The deficiency, if any, shall be defrayed in moieties by the two Governments.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the eighth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

[SEAL.] J. R. INGERSOLL.
[SEAL.] J. RUSSELL.

The commission met in London September 15, 1853, and adjourned January 15, 1855. The awards in favor of the American claimants amounted to $329,734.16, and to British claimants, $277,102.88.

1854.[a] [b]

RECIPROCITY TREATY AS TO FISHERIES, DUTIES AND NAVIGATION BRITISH NORTH AMERICA.

Concluded June 5, 1854; ratification advised by the Senate August 2, 1854; ratified by the President August 9, 1854; ratifications exchanged September 9, 1854; proclaimed September 11, 1854.

ARTICLES.

I. Fisheries.
II. Rights of British subjects.
III. Reciprocity.
IV. St. Lawrence & Canadian canals.
V. Duration of treaty.
VI. Newfoundland.
VII. Ratification.

The Government of the United States being equally desirous with Her Majesty the Queen of Great Britain to avoid further misunderstanding between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article I of a convention between the United States and Great Britain signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between Her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have, respectively, named Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States of America, William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United

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[a] This treaty terminated by notice from the United States March 17, 1866.
[b] Federal case: Pine Lumber (4 Blatch., 182).

Kingdom, Knight of the most ancient and most noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

It is agreed by the high contracting parties that in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And it is further agreed that, in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this article, and that of fishermen of the United States contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which

shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such Commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

Article II.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States the liberty to take fish of every kind, except shell fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coast and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: Provided, that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Article III.

It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country respectively free of duty:

Schedule.

Grain, flour, and breadstuffs, of all kinds.
Animals of all kinds.
Fresh, smoked, and salted meats.

Cotton-wool, seeds, and vegetables.
Undried fruits, dried fruits.
Fish of all kinds.
Products of fish, and of all other creatures living in the water.
Poultry, eggs.
Hides, furs, skins, or tails, undressed.
Stone or marble, in its crude or unwrought state.
Slate.
Butter, cheese, tallow.
Lard, horns, manures.
Ores of metals, of all kinds.
Coal.
Pitch, tar, turpentine, ashes.
Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
Firewood.
Plants, shrubs, and trees.
Pelts, wool.
Fish-oil.
Rice, broom-corn, and bark.
Gypsum, ground or unground.
Hewn, or wrought, or unwrought burr or grindstones.
Dyestuffs.
Flax, hemp, and tow, unmanufactured.
Unmanufactured tobacco.
Rags.

Article IV.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects; it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

It is further agreed that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operations of Art. III of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the River St. Lawrence or the canals may continue.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

And it is further agreed that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ARTICLE V.

The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article IV of the present treaty, with regard to the right of temporarily suspending the operations of articles III and IV thereof.

ARTICLE VI.

And it is hereby further agreed that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ARTICLE VII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, anno Domini one thousand eight hundred and fifty-four.

[SEAL.] W. L. MARCY.
[SEAL.] ELGIN & KINCARDINE.

1854.

Claims Convention.

Concluded July 17, 1854; ratification advised by the Senate July 21, 1854; ratified by the President July 24, 1854; ratifications exchanged August 18, 1854; proclaimed September 11, 1854.

Articles.

I. Time extended. | II. Ratification.

Whereas a convention was concluded on the 8th day of February, 1853, between the United States of America and Her Britannic Majesty, for the settlement of outstanding claims, by a mixed commission, limited to endure for twelve months from the day of the first meeting of the Commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned, the President of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, are desirous that the time originally fixed for the duration of the commission should be extended, and to this end have named plenipotentiaries to agree upon the best mode of effecting this object, that is to say: The President of the United States, the Honorable William L. Marcy, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Fiennes Crampton, Esq're, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who have agreed as follows:

Article I.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission shall be extended for a period not exceeding four months from the 15th of September next, should such extension be deemed necessary by the Commissioners, or the Umpire in case of their disagreement; it being agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the Commissioners.

Article II.

The present convention shall be ratified, and the ratifications shall be exchanged at London, as soon as possible within four months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four.

[SEAL.] W. L. Marcy.
[SEAL.] John F. Crampton.

1862.

Treaty for the Suppression of African Slave Trade.[a]

Concluded April 7, 1862; ratification advised by the Senate April 24, 1862; ratified by the President April 25, 1862; ratifications exchanged May 20, 1862; proclaimed June 7, 1862.

Articles.

I. Search of suspected slavers by war vessels.
II. Authority and procedure.
III. Indemnity for losses.
IV. Mixed courts established.
V. Reparation for wrongful seizures.
VI. Evidences of slave trading.
VII. No compensation to vessels with slave equipments.
VIII. Disposal of vessels condemned.
IX. Punishment of owners, crew, etc.
X. Release of negroes.
XI. Instructions and regulations.
XII. Ratification; duration.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to render more effectual the means hitherto adopted for the suppression of the slave trade carried on upon the coast of Africa, have deemed it expedient to conclude a treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, William H. Seward, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The two high contracting parties mutually consent that those ships of their respective navies which shall be provided with special instruction for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose; or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade, contrary to the provisions of this treaty; and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following:

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty.

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[a] See convention of 1870, page 693, and General Act, page 1964.

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant vessels; and it shall not be exercised by a vessel of war of either contracting party within the limits of a settlement or port, nor within the territorial waters of the other party.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the special instructions by which he is duly authorized to search; and shall deliver to such commander a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African slave trade, or is fitted up for the said trade. When the search is made by an officer of the cruiser, who is not the commander, such officer shall exhibit to the captain of the merchant vessel a copy of the before-mentioned special instructions, signed by the commander of the cruiser; and he shall in like manner deliver a certificate signed by himself, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of two hundred miles, from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba.

ARTICLE II.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed—

First. That all the ships of the navies of the two nations which shall be hereafter employed to prevent the African slave trade shall be furnished by their respective Governments with a copy of the present treaty, of the instructions for cruisers annexed thereto, (marked A,) and of the regulations for the mixed courts of justice annexed thereto, (marked B,) which annexes respectively shall be considered as integral parts of the present treaty.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant; it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to author-

ize the officer on whom the command of the vessel has devolved to make the search, although such an officer may not hold the aforesaid rank in the service.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation carries negroes on board, or has been engaged in the African slave trade, or is fitted out for the purpose thereof, the commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the places where the mixed courts of justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

Article III.

As the two preceding articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in the first article of this treaty shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats shall be paid within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

Article IV.

In order to bring to adjudication with as little delay and inconvenience as possible the vessels which may be detained according to the tenor of the first article of this treaty, there shall be established, as soon as may be practicable, three mixed courts of justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments. These courts shall reside, one at Sierra Leone, one at the Cape of Good Hope, and one at New York.

But each of the two high contracting parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

These courts shall judge the causes submitted to them according to the provisions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.[a]

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[a] Abolished. See convention of 1870, page 693.

Article V.

In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the first article of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

Article VI.

It is hereby further mutually agreed that every American or British merchant vessel which shall be searched by virtue of the present treaty, may lawfully be detained, and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:

1st. Hatches with open gratings, instead of the close hatches, which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plank fitted for laying down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm-oil, or for other purposes of lawful commerce.

7th. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

9th. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food be entered on the manifest as part of the cargo for trade.

10th. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as prima-facie evidence that the vessel was employed in the African slave trade, and

she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the mixed court of justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

ARTICLE VII.

If any one of the articles specified in the preceding article as grounds for condemnation should be found on board a merchant vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall, in any case, be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the mixed court of justice.

ARTICLE VIII.

It is agreed between the two high contracting parties that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the mixed courts of justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy, at a price to be fixed by a competent person chosen for that purpose by the mixed court of justice; in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

ARTICLE IX.

The captain, master, pilot, and crew of any vessel condemned by the mixed courts of justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprise.

For this purpose the two high contracting parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the mixed courts of justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons shall also be sent with them.

The same course shall be pursued with regard to subjects or citizens of either contracting party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African slave trade.

Article X.

The negroes who are found on board of a vessel condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser has made the capture. They shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

Article XI.

The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

(A.) Instructions for the ships of the navies of both nations, destined to prevent the African slave trade.

(B.) Regulations for the mixed courts of justice.

Article XII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at London, in six months from this date, or sooner if possible. It shall continue and remain in full force for the term of ten years from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of his intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is hereby agreed between them that, on the expiration of one year after such notice shall been received by either from the other party, this treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto affixed the seal of their arms.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] William H. Seward.
[SEAL.] Lyons.

ANNEX (A) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.[a]

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

Article I.

The commander of any ship belonging to the United States or British navy which shall be furnished with these instructions shall have a right to search and detain any United States or British merchant vessel which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes

[a] Superseded by treaty of 1870 and by instructions annexed thereto.

thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment before one of the three mixed courts of justice established in virtue of the IVth article of the said treaty, that is to say:

If the vessel shall be detained on the coast of Africa, she shall be brought before that one of the two mixed courts of justice to be established at the Cape of Good Hope and at Sierra Leone which may be nearest to the place of detention, or which the captor, on his own responsibility, may think can be soonest reached from such place.

If the vessel shall be detained on the coast of the Island of Cuba, she shall be brought before the mixed court of justice at New York.

Article II.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the said treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

Article III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three, at least, of the crew, the whole of the negroes, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel. Such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the mixed court of justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the mixed court of justice, deliver into the court a certificate, signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

If urgent reasons arising from the length of the voyage, the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the mixed courts of justice is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

ARTICLE V.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken to one of the three ports where the mixed courts of justice are to be established in pursuance of the treaty of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate mentioned in the preceding paragraph of this article, shall be sent and delivered to the proper mixed court of justice at the earliest possible moment.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the present instructions shall be annexed to the said treaty and be considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

ANNEX (B) TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE ABOLITION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE 7TH DAY OF APRIL, 1862.[a]

Regulations for the mixed courts of justice.

ARTICLE I.

The mixed courts of justice to be established under the provisions of the treaty of which these regulations are declared to be an integral part, shall be composed in the following manner:

The two high contracting parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid treaty, shall be brought before them.

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[a] Superseded by treaty of 1870 and by instructions annexed thereto.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such courts shall respectively reside, that they will judge fairly and faithfully; that they will have no preference either for claimant or for captor; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the party in whose territories such court shall reside. Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office.

The salaries of the judges and arbitrators shall be paid by the Governments by whom they are appointed.

The salary of the secretary or registrar of the court to be established in the territories of the United States shall be paid by the United States Government; and that of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by Her Britannic Majesty.

Each of the two Governments shall defray half of the aggregate amount of the other expenses of such courts.

Article II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursments occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article VII of the treaty to which these regulations form an annex, and under Article VII of these regulations.

Article III.

The mixed courts of justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall detain in pursuance of said treaty.

The said courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessels shall have been brought into the port where the deciding court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Each party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

Article IV.

The form of the process, or mode of proceeding to judgment, shall be as follows:

The judges appointed by the two Governments, respectively, shall in the first place proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration on oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Article V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of Articles IV and V of the instructions annexed to the treaty of this date,) shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages

which may be awarded by the court; it being mutually agreed that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

Article VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in the VIIIth article of the treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The negroes who may not previously have been disembarked shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, in order to be forthwith set at liberty.

Article VII.

The mixed courts of justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in the VIIth article of the treaty to which these regulations form an annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified—

(A.) For the ship, her tackle, equipment, and stores.

(B.) For all freights due and payable.

(C.) For the value of the cargo of merchandise, if any, deducting all charges and expenses which would have been payable upon the sale of such cargo, including commission of sale.

(D.) For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified—

(A.) For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

(B.) For demurrage when due, according to the schedule annexed to the present article.

(C.) For any deterioration of the cargo.

(D.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The

whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two high contracting parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of—

100	tons to	120,	inclusive	----------	£5	per	diem
121	"	150,	"	----------	6	"	
151	"	170,	"	----------	8	"	
171	"	200,	"	----------	10	"	
201	"	220,	"	----------	11	"	
221	"	250,	"	----------	12	"	
251	"	270,	"	----------	14	"	
271	"	300,	"	----------	15	"	

And so on in proportion.

Article VIII.

Neither the judges, nor the arbitrators, nor the secretaries or registrars of the mixed courts of justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries or registrars have to perform.

Article IX.

The two high contracting parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts, respectively, the post of such judge or arbitrator shall be supplied, ad interim, in the following manner:

First. On the part of the United States, and in that court which shall sit within their territories: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, the place of such arbitrator shall be filled by the judge of the United States for the southern district of New York; and the said court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Secondly. On the part of the United States of America, and in those courts which shall sit within the possessions of Her Britannic Majesty: If the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator; and either in that case, or in case the vacancy be originally that of the United States arbitrator, his place shall be filled by the United States Consul, or, in the

unavoidable absence of the Consul, by the United States Vice-Consul. In case the vacancy be both of the United States judge and of the United States arbitrator, then the vacancy of the judge shall be filled by the United States Consul, and that of the United States arbitrator by the United States Vice-Consul. But if there be no United States Consul or Vice-Consul to fill the place of the United States arbitrator, then the British arbitrator shall be called in in those cases in which the United States arbitrator would be called in; and in case the vacancy be both of the United States judge and of the United States arbitrator, and there be neither United States Consul nor Vice-Consul to fill ad interim the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

Thirdly. On the part of Her Britannic Majesty, and in those courts which shall sit within the possessions of her said Majesty: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or in case the vacancy be originally that of the British arbitrator the place of such arbitrator shall be filled by the Governor or Lieutenant Governor resident in such possession; in his unavoidable absence, by the principal magistrate of the same; or in the unavoidable absence of the principal magistrate, by the secretary of the Government; and the said court so constituted as above, shall sit, and, in all cases brought before it for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Fourthly. On the part of Great Britain, and in that court which shall sit within the territories of the United States of America: If the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case or in case the vacancy be originally that of the British arbitrator, his place shall be filled by the British Consul; or in the unavoidable absence of the Consul, by the British Vice-Consul; and in case the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British arbitrator, then the United States arbitrator shall be called in in those cases in which the British arbitrator would be called in; and in case the vacancy be both of the British judge and of the British arbitrator, and there be neither British Consul nor Vice-Consul to fill ad interim the vacancies, then the United States judge and arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The chief authority of the place in the territories of either high contracting party where the mixed courts of justice shall sit, shall, in the event of a vacancy arising, either of the judge or the arbitrator of the other high contracting party, forthwith give notice of the same by the most expeditious method in his power to the Government of that other high contracting party, in order that such vacancy may be supplied at the earliest possible period.

And each of the high contracting parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the abovementioned courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the preceding regulations shall be annexed to the said treaty and considered an integral part thereof.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

1863.

ADDITIONAL ARTICLES TO THE TREATY FOR THE SUPPRESSION OF SLAVE TRADE, 1862.

Concluded February 17, 1863; ratification advised by the Senate February 27, 1863; ratified by the President March 5, 1863; ratifications exchanged April 1, 1863; proclaimed April 22, 1863.

Whereas by the first Article[a] of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two High Contracting Parties which shall be provided with special instructions for that purpose, as thereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereinafter agreed upon: And whereas it was by the said Article further stipulated and agreed, that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the Coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba: and whereas the two High Contracting Parties are desirous of rendering the said treaty still more efficacious for its purpose; the Plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the Article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present Additional Article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two High Contracting Parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.] WILLIAM H. SEWARD
[SEAL.] LYONS.

1863.

TREATY FOR SETTLEMENT OF CLAIMS WITH THE HUDSON BAY CO., ETC.

Concluded July 1, 1863; ratification advised by the Senate January 18, 1864; ratified by the President March 2, 1864; ratifications exchanged March 3, 1864; proclaimed March 5, 1864.

ARTICLES:

I. Claims.
II. Commissioners.
III. Records.
IV. Award.
V. Ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, specified in Articles III and IV of the treaty concluded between the United States of America and Great Britain on the 15th of June, 1846, have resolved to conclude a treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, William H. Seward, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a Knight Grand Cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Whereas by the IIId and IVth articles of the treaty concluded at Washington on the 15th day of June, 1846, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of the said treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected, and that the farms, lands, and other property of every descript.on,

belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said company, but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said Government at a proper valuation to be agreed upon between the parties;

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies. and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration:

It is hereby agreed that the United States of America and her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a Commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above quoted articles of the treaty of June 15, 1846.

Article II.

The Commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country all the matters referred to them for their decision, and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then proceed to name an Arbitrator or Umpire to decide upon any case or cases on which they may differ in opinion; and if they cannot agree in the selection, the said Arbitrator or Umpire shall be appointed by the King of Italy, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such Arbitrator or Umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

The United States of America and Her Britannic Majesty engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

ARTICLE III.

The Commissioners and the Arbitrator or Umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the Commissioners and of the clerk or clerks shall be paid by their respective Governments. The salary of the Arbitrator or Umpire and the contingent expenses shall be defrayed in equal moieties by the two Governments.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever.

ARTICLE V.

The present treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the first day of July, anno Domini one thousand eight hundred and sixty-three.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] LYONS.

AWARD.

At a meeting of the Commissioners under the treaty of July 1st, 1863, between the United States of America and Her Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, held at the city of Washington, on the 10th day of September, 1869—

Present: Alexander S. Johnson, Commissioner on the part of the United States of America; John Rose, Commissioner on the part of Her Britannic Majesty.

The Commissioners having heard the allegations and proofs of the respective parties, and the arguments of their respective counsel, and duly considered the same, do determine and award that, as the adequate money consideration for the transfer to the United States of America of all the possessory rights and claims of the Hudson's Bay Company, and of the Puget's Sound Agricultural Company, under the first article of the treaty of July 1st, 1863, and the third and fourth articles of the treaty of June 15, 1846, commonly called the Oregon treaty, and in full satisfaction of all such rights and claims,

there ought to be paid in gold coin by the United States of America, at the times and in the manner provided by the fourth article of the treaty of July 1, 1863, on account of the possessory rights and claims of the Hudson's Bay Company, four hundred and fifty thousand dollars; and on account of the possessory rights and claims of the Puget's Sound Agricultural Company, the sum of two hundred thousand dollars; and that at or before the time fixed for the first payment to be made in pursuance of the treaty and of this award, each of the said companies do execute and deliver to the United States of America a sufficient deed or transfer and release to the United States of America, substantially in the form hereunto annexed.

In testimony whereof we, the said Commissioners, have set our hands to this award in duplicate, on the day and year and at the place aforesaid.

ALEXANDER S. JOHNSON,
Commissioner on the part of the United States.
JOHN ROSE,
Commissioner on the part of Her Britannic Majesty.

1870.

NATURALIZATION CONVENTION.

Concluded May 13, 1870; ratification advised by the Senate July 8, 1870; ratified by the President July 19, 1870; ratifications exchanged August 10, 1870; proclaimed September 16, 1870.

ARTICLES.

I. Naturalization recognized.
II. Renunciation of previous naturalization.
III. Resumption of original citizenship.
IV. Ratification.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to regulate the citizenship of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, John Lothrop Motley, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a peer of the United Kingdom, a member of Her Britannic Majesty's most honourable Privy Council, Knight of the most noble Order of the Garter, Knight Grand Cross of the most honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

ARTICLE II.

Such citizens of the United States as aforesaid who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

ARTICLE III.

If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid naturalized in the United States should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ARTICLE IV.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] JOHN LOTHROP MOTLEY.
[SEAL.] CLARENDON.

1870.

CONVENTION FOR THE SUPPRESSION OF SLAVE TRADE.[a]

Concluded June 3, 1870; ratification advised by the Senate July 8, 1870; ratified by the President July 19, 1870; ratifications exchanged August 10, 1870; proclaimed September 16, 1870.

ARTICLES.

I. Mixed courts abolished.
II. Jurisdiction over vessels seized.
III. Procedure.
IV. Instructions to war ships.
V. Former treaty continued.
VI. Notification of effect of convention.
VII. Duration; ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having come to the conclusion that it is no longer necessary to maintain the three mixed courts of justice established at Sierra Leone, at the Cape of Good Hope, and at New York, in pursuance of the treaty concluded at Washington on the 7th day of April, 1862, for the suppression of the African slave trade, they have resolved to conclude an additional convention for the purpose of making the requisite modifications of the said treaty, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Edward Thornton, Esquire, Companion of the Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Everything contained in the treaty concluded at Washington on the 7th of April, 1862, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and

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[a] See General Act for Suppression of Slave Trade, July 2, 1890, p. 1964.

Ireland, for the suppression of the African slave trade, and in the annexes A and B thereto, which relates to the establishment of three mixed courts of justice at Sierra Leone, at the Cape of Good Hope, and at New York, to hear and decide all cases of capture of vessels which may be brought before them as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, as well as to the composition, jurisdiction, and mode of procedure of such courts, shall cease and determine as regards the said mixed courts, from and after the exchange of the ratifications of the present additional convention, except in so far as regards any act or proceeding done or taken in virtue thereof, before this additional convention shall be officially communicated to the said mixed courts of justice. The said courts shall nevertheless have the power, and it shall be their duty, to proceed with all practicable dispatch to the final determination of all causes and proceedings which may be pending and undetermined in them, or either of them, at the time of receiving notice of the ratification of this convention.

ARTICLE II.

The jurisdiction heretofore exercised by the said mixed courts in pursuance of the provisions of the said treaty shall, after the exchange of the ratifications of the present additional convention, be exercised by the courts of one or the other of the high contracting parties according to their respective modes of procedure in matters of maritime prize; and all the provisions of the said treaty with regard to the sending or bringing in of captured vessels for adjudication before the said mixed courts, and with regard to the adjudication of such vessels by the said courts, and the rules of evidence to be applied and the proceedings consequent on such adjudication, shall apply, mutatis mutandis, to the courts of the high contracting parties. It is, however, provided that there may be an appeal from the decision of any court of the high contracting parties, in the same manner as by the law of the country where the court sits is allowed in other cases of maritime prize.

ARTICLE III.

It is agreed that in case of an American merchant vessel searched by a British cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible for adjudication, or shall be handed over to an United States cruiser, if one should be available in the neighborhood of the capture; and that in the corresponding case of a British merchant vessel searched by an United States cruiser being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

All the witnesses and proofs necessary to establish the guilt of the master, crew, or other persons found on board of any such vessel, shall

be sent and handed over with the vessel itself, in order to be produced to the court before which such vessel or persons may be brought for trial.

All negroes or others (necessary witnesses excepted) who may be on board either an American or a British vessel for the purpose of being consigned to slavery, shall be handed over to the nearest British authority. They shall be immediately set at liberty, and shall remain free, Her Britannic Majesty guaranteeing their liberty. With regard to such of those negroes or others as may be sent in with the detained vessel as necessary witnesses, the Government to which they may have been delivered shall set them at liberty as soon as their testimony shall no longer be required, and shall guarantee their liberty.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

Article IV.

It is mutually agreed that the instructions for the ships of the navies of both nations destined to prevent the African slave trade, which are annexed to this convention, shall form an integral part thereof, and shall have the same force and effect as if they had been annexed to the treaty of the 7th of April, 1862, in lieu of the instructions forming annex A to that treaty.

Article V.

In all other respects the stipulations of the treaty of April 7, 1862, shall remain in full force and effect until terminated by notice given by one of the high contracting parties to the other, in the manner prescribed by Article XII thereof.

Article VI.

The high contracting parties engage to communicate the present convention to the mixed courts of justice, and to the officers in command of their respective cruisers, and to give them the requisite instructions in pursuance thereof, with the least possible delay.

Article VII.

The present additional convention shall have the same duration as the treaty of the 7th of April, 1862, and the additional article thereto of the 17th of February, 1863. It shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] Hamilton Fish.
[SEAL.] Edwd. Thornton.

ANNEX TO THE ADDITIONAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE. SIGNED AT WASHINGTON ON THE THIRD DAY OF JUNE, 1870.

Instructions for the ships of the United States and British navies employed to prevent the African slave trade.

ARTICLE I.

The commander of any ship belonging to the United States or British navy, which shall be furnished with these instructions, shall have a right to search and detain any United States or British merchant vessels which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these instructions) as soon as possible for judgment, in the manner provided by Article III of the additional convention of this date, that is to say:

In the case of an American vessel searched and detained as aforesaid by a British cruiser, she shall be sent to New York or Key West, whichever shall be most accessible, or be handed over to an United States cruiser, if one should be available in the neighborhood of the capture.

In the case of a British vessel searched and detained as aforesaid by an United States cruiser, she shall be sent to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

ARTICLE II.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the treaty of the 7th of April, 1862, and of this additional convention, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, two or three at least of the crew, and all the cargo. The captor shall at the time of detention draw up in writing a declaration which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given or sent in with the detained vessel to be produced as evidence in the proper court. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of

negroes or other persons destined for slavery who may have been found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes or others destined for slavery who may be found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of delivering the vessel's papers and the certificate of the commander into court, deliver also a certificate, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, and her cargo, between the time of her detention and the time of delivering in such paper.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

ARTICLE IV.

All the negroes or others (necessary witnesses excepted) who may be on board either an American or a British detained vessel, for the purpose of being consigned to slavery, shall be handed over by the commander of the capturing ship to the nearest British authority.

ARTICLE V.

In case any merchant vessel detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken in for adjudication as directed by the additional convention of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed by him in duplicate at the time, and shall be received as prima facie evidence of the facts therein stated, subject to rebuttal by counter proof.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the papers found on board, and other necessary proofs and witnesses, and one of the certificates mentioned in the preceding paragraph of this article, shall be sent and delivered at the earliest possible moment to the proper court before which the vessel would otherwise have been sent. Upon the production of the said certificate, the court may proceed to adjudicate upon the detention of the vessel in the same manner as if the vessel had been sent in.

The negroes or others intended to be consigned to slavery shall be handed over to the nearest British authority.

The undersigned Plenipotentiaries have agreed, in conformity with the IVth Article of the additional convention, signed by them on this day, that the present instructions shall be annexed to the said convention, and be considered an integral part thereof.

Done at Washington the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1871.

Convention as to Renunciation of Naturalization.

Concluded February 23, 1871; ratification advised by the Senate March 22, 1871; ratified by the President March 24, 1871; ratifications exchanged May 4, 1871; proclaimed May 5, 1871.

Articles.

I. Renunciation of naturalization.
II. Names to be furnished.
III. Ratification.
Annex. Form.

Whereas by the second article of the convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for regulating the citizenship of citizens and subjects of the contracting parties who have emigrated or may emigrate, from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the manner in which the renunciation by such citizens and subjects of their naturalization, and the resumption of their native allegiance may be made and publicly declared, should be agreed upon by the Governments of the respective countries, the President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the purpose of effecting such agreement, have resolved to conclude a supplemental convention, and have named as their Plenipotentiaries, that is to say, the President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who have agreed as follows:

Article I.

Any person, being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may, at any time before August 10th, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may, at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation, by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

ARTICLE III.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

ANNEX A.

I, A. B., of [insert abode], being originally a citizen of the United States of America, [or a British subject,] and having become naturalized within the dominions of Her Britannic Majesty as a British subject, [or as a citizen within the United States of America,] do hereby renounce my naturalization as a British subject, [or citizen of the United States,] and declare that it is my desire to resume my nationality as a citizen of the United States, [or British subject.]

(Signed) A. B.

Made and subscribed to before me, ———, in [insert country or other subdivision, and State, province, colony, legation, or consulate,] this —— day of ———, 187–.

(Signed) E. F.,
Justice of the Peace [or other title.]

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1871.[a]

(TREATY OF WASHINGTON.)

Concluded May 8, 1871; ratification advised by the Senate May 24, 1871; ratified by the President May 25, 1871; ratifications exchanged June 17, 1871; proclaimed July 4, 1871.

ARTICLES.

I. Alabama claims; arbitrators.
II. Time of meeting.
III. Case of each party.
IV. Counter case; time.
V. Arguments.
VI. Rules to govern.
VII. Decision.
VIII. Expense.
IX. Record.
X. Board of assessors; awards.
XI. Finality of decision.
XII. Other claims.
XIII. Investigation of claims.
XIV. Time of presentation; decision.
XV. Awards.
XVI. Records.
XVII. Finality of decision.
XVIII. Fishery rights.
XIX. Fishery rights.
XX. Exception as to fishery rights.
XXI. Duties.
XXII. Compensation for fishery rights.
XXIII. Commissioners.
XXIV. Proceeding before commission.
XXV. Records.
XXVI. Navigation of St. Lawrence.
XXVII. Use of canals.
XXVIII. Navigation of Lake Michigan.
XXIX. Conveyance of merchandise through United States.
XXX. Conveyance in bond.
XXXI. Duty on lumber cut in Maine.
XXXII. Newfoundland.
XXXIII. Time to take effect Articles XVIII to and including XXV and Article XXX.
XXXIV. Boundary.
XXXV. Award of Emperor of Germany.
XXXVI. Time of hearing case.
XXXVII. Evidence.
XXXVIII. Agents.
XXXIX. Proceeding by arbitrator.
XL. Secretary.
XLI. Expenses.
XLII. Award.
XLIII. Ratification.

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: The President of the United States has appointed, on the part of the United States, as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty, on her part, has appointed as her High Commissioners and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc., etc.; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, etc., etc.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her

[a] Weld & Co. *v.* U. S. (23 Ct. Cls., 126).

Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

Article I.[a]

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama Claims:"

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama Claims," shall be referred to a tribunal of arbitration to be composed of five Arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or, in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the request from either of the high contracting parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit,

[a]Articles I to XI, inclusive, relate to the Tribunal for Arbitration of the Alabama Claims, which Tribunal met at Geneva, September 14, 1872, awarding $15,500,000 in favor of the United States.

(See text of Geneva Award, p. 717.)

decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

ARTICLE II.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

ARTICLE III.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within four months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence, and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

ARTICLE V.

It shall be the duty of the Agent of each party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said

Arbitrators and to the Agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

Article VI.

In deciding the matters submitted to the Arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

RULES.

A neutral Government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.

Article VII.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE VIII.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE IX.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE X.

In case the tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The board of assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the board of assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may

think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of the United States and of Great Britain, respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government, as counsel or agent. A majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government, at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the Representative of Her Britannic Majesty at Washington.

All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The board of assessors may employ such clerks as they shall think necessary.

The expenses of the board of assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

Article XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of Assessors, should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Article XII.[a]

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United

[a] The commission provided for in Articles XII to XVII met in Washington September 26, 1871, and held its final meeting September 25, 1873, awarding $1,929,819 gold to Great Britain. The claims of United States citizens against Great Britain were all disallowed.

States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the thirteenth of April, eighteen hundred and sixty-one, and the ninth of April, eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this treaty, and all claims, with the like exception, on the part of corporation, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Article XIII.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name

one person to attend the Commissioners as its agent, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The high contracting parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Article XIV.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this treaty.

Article XV.

All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this treaty.

Article XVI.

The Commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer, or officers, to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner and Agent or Council. All other expenses shall be defrayed by the two Governments in equal moieties.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

Article XVII.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and

after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Article XVIII.[a]

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

Article XIX.[a]

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

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[a]Articles XVIII to XXV, inc., and Articles XXX and XXXII were terminated July 1, 1885, upon notice given in pursuance of a joint resolution of March 3, 1883. The Commission provided for in Articles XXII to XXV met at Halifax, Nova Scotia, June 15, 1877, and November 23, 1877, awarded to Great Britain $5,500,000 in gold.

ARTICLE XX.[a]

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under the said first article of the treaty of the 5th of June, 1854.

ARTICLE XXI.[a]

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII.[a]

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE XXIII.[a]

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner

[a] Articles XVIII to XXV, inc., and Articles XXX and XXXII were terminated July 1, 1885, upon notice given in pursuance of a joint resolution of March 3, 1883. The Commission provided for in Articles XXII to XXV met at Halifax, Nova Scotia, June 15, 1877, and November 23, 1877, awarded to Great Britain $5,500,000 in gold.

shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the high contracting parties shall also name one person to attend the commission as its Agent, to represent it generally in all matters connected with the commission.

Article XXIV.[a]

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

Article XXV.[a]

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and

[a] Terminated July 1, 1885.

may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them

Each of the high contracting parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

Article XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

Article XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

Article XXVIII.[a]

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

Article XXIX.[a]

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports

[a] Not considered in effect. (See Messages & Papers of Presidents, vol. IX, p. 335.)

in the United States which have been or may, from time to time, be specially designated by the President of United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

Article XXX.[a]

It is agreed that, for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose

[a] This article terminated July 1, 1885, on notice by United States.

any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

Article XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty for such period as such export or other duty may be levied.

Article XXXII.[a]

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

Article XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high

[a] This article terminated July 1, 1885, on notice by United States.

contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

Article XXXIV.[a]

Whereas it was stipulated by Article I of the treaty concluded at Washington on the 15th of June, 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point of the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two high contracting parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

Article XXXV.[a]

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public Agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

Article XXXVI.[a]

The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Representatives at Berlin.

The high contracting parties may include in the evidence to be considered by the Arbitrator such documents, official correspondence,

[a] See award of Emperor of Germany, page 716.

and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each party to the other, each party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other party so communicated, which definite statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

Article XXXVII.[a]

If, in the case submitted to the Arbitrator, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty to hear one Counsel or Agent for each party, in relation to any matter, and at such time, and in such manner, as he may think fit.

Article XXXVIII.[a]

The Representatives or other public Agents of the United States and of Great Britain at Berlin, respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications and give all his notices to such Representatives or other public Agents, who shall represent their respective Governments generally, in all matters connected with the arbitration.

Article XXXIX.[a]

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally, or by written discussion or otherwise.

Article XL.[a]

The Arbitrator may, if he think fit, appoint a Secretary, or Clerk, for the purposes of the proposed arbitration, at such rate of renumeration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

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[a] See award, page 716.

Article XLI.[a]

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

Article XLII.[a]

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said Agents.

Article XLIII.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the eighth day of May, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.]	Hamilton Fish.
[SEAL.]	Robt. C. Schenck.
[SEAL.]	Samuel Nelson.
[SEAL.]	Ebenezer Rockwood Hoar.
[SEAL.]	Geo. H. Williams.
[SEAL.]	De Grey & Ripon.
[SEAL.]	Stafford H. Northcote.
[SEAL.]	Edwd. Thornton.
[SEAL.]	John A. Macdonald.
[SEAL.]	Montague Bernard.

AWARD OF THE EMPEROR OF GERMANY UNDER THE XXXIVTH ARTICLE OF THE TREATY OF MAY 8, 1871, GIVING THE ISLAND OF SAN JUAN TO THE UNITED STATES.

[Translation.]

We, William, by the grace of God, German Emperor, King of Prussia, &c., &c., &c.

After examination of the Treaty concluded at Washington on the 6th[b] of May, 1871, between the Governments of Her Britannic Majesty and of the United States of America, according to which the said Governments have submitted to Our Arbitrament the question at issue between them, whether the boundary-line which, according to the Treaty of Washington of June 15, 1846, after being carried westward along the forty-ninth parallel of northern latitude

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[a] See award, page 716.

[b] So in the original. The date of the treaty is, however, May 8th.

to the middle of the channel which separates the continent from Vancouver's Island is thence to be drawn southerly through the middle of the said channel and of the Fuca Straits to the Pacific Ocean, should be drawn through the Rosario Channel as the Government of Her Britannic Majesty claims, or through the Haro Channel as the Government of the United States claims; to the end that We may finally and without appeal decide which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

After hearing the report made to Us by the experts and jurists summoned by Us upon the contents of the interchanged memorials and their appendices—

Have decreed the following award:

Most in accordance with the true interpretations of the Treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary-line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel.

Authenticated by Our Autographic Signature and the impression of the imperial great seal.

Given at Berlin, October the 21st, 1872.

[SEAL.] WILLIAM.

THE GENEVA AWARD UNDER ARTICLES I TO XI OF THE CONVENTION OF 1871 made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May 1871, between the United States and Great Britain.

The United States of America and Her Britannic Majesty having agreed by Article I. of the treaty concluded and signed at Washington the 8th of May 1871, to refer all the claims "generically known as the Alabama claims" to a tribunal of arbitration to be composed of five arbitrators named:

One by the President of the United States,

One by Her Britannic Majesty,

One by His Majesty the King of Italy,

One by the President of the Swiss Confederation,

One by his Majesty the Emperor of Brazil;

And the President of the United States, Her Britannic Majesty, His Majesty the King of Italy, the President of the Swiss Confederation, and His Majesty the Emperor of Brazil having respectively named their arbitrators, to wit:

The President of the United States, Charles Francis Adams, esquire;

Her Britannic Majesty, Sir Alexander James Edmund Cockburn, baronet, a member Her Majesty's privy council, lord chief justice of England;

His Majesty the King of Italy, His Excellency Count Frederick Sclopis of Salerno, a knight of the order of the Annunciata, minister of state, senator of the Kingdom of Italy;

The President of the Swiss Confederation, M. James Stampfli;

His Majesty the Emperor of Brazil, His Excellency Marcos Antonio d' Araujo, Viscount d' Itajuba, a grandee of the Empire of Brazil, member of the council of H. M. the Emperor of Brazil, and his envoy extraordinary and minister plenipotentiary in France.

And the five arbitrators above named having assembled at Geneva (In Switzerland) in one of the chambers of the Hotel de Ville on the 15th of December, 1871, in conformity with the terms of the second article of the treaty of Washington of the 8th of May of that year, and having proceeded to the inspection and verification of their respective powers, which were found duly authenticated, the tribunal of arbitration was declared duly organized.

The agents named by each of the high contracting parties, by virtue of the same article II. to wit:

For the United States of America, John C. Bancroft Davis, esquire;

And for Her Britannic Majesty, Charles Stuart Aubrey, Lord Tenterden, a peer of the United Kingdom, companion of the Most Honorable Order of the Bath, assistant under secretary of state for foreign affairs;

Whose powers were found likewise duly authenticated, then delivered to each of the arbitrators the printed case prepared by each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relied, in conformity with the terms of the third article of the said treaty.

In virtue of the decision made by the tribunal at its first session, the counter case and additional documents, correspondence, and evidence referred to in article four of the said treaty were delivered by the respective agents of the two parties to the secretary of the tribunal on the 15th of April, 1872, at the chamber of conference, at the Hotel de Ville of Geneva.

The tribunal, in accordance with the vote of adjournment passed at their second session, held on the 16th of December, 1871, reassembled at Geneva on the 15th of June 1872; and the agent of each of the parties duly delivered to each of the arbitrators, and to the agent of the other party, the printed argument referred to in article V of the said treaty.

The tribunal having since fully taken into their consideration the treaty, and also the cases, counter cases, documents, evidence, and arguments, and likewise all other communications made to them by the two parties during the progress of their sittings and having impartially and carefully examined the same,

Has arrived at the decision embodied in the present award:

Whereas, having regard to the VIth and VIIth articles of the said treaty, the arbitrators are bound under the terms of the said VIth article, "in deciding the matters submitted to them, to be governed by the three rules therein specified and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case;"

And whereas the "due diligence" referred to in the first and third of the said rules ought to be exercised by neutral Governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfill the obligations of neutrality on their part;

And whereas the circumstances out of which the facts constituting the subject matter of the present controversy arose were of a nature to call for the exercise on the part of Her Britannic Majesty's Government of all possible solicitude for the observance of the rights and the duties involved in the proclamation of neutrality issued by her Majesty on the 13th day of May 1861;

And whereas the effects of a violation of neutrality committed by means of the construction, equipment and armament of a vessel are not done away with by any commission which the Government of the belligerent power, benefited by the violation of neutrality, may afterwards have granted to that vessel; and the ultimate step, by which the offense is completed cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence;

And whereas the privilege of extraterritoriality accorded to vessels of war has been admitted into the law of Nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and therefore can never be appealed to for the protection of acts done in violation of neutrality;

And whereas the absence of a previous notice cannot be regarded as a failure in any consideration required by the law of nations in those cases in which a vessel carries with it its own condemnation;

And whereas in order to impart to any supplies of coal a character inconsistent with the second rule prohibiting the use of neutral ports of waters as a base of naval operations for a belligerent it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character;

And whereas with respect to the vessel called the Alabama, it clearly results from all the facts relative to the construction of the ship at first designated by the number "290" in the port of Liverpool and its equipments and armament in the vicinity of Terceira through the agency of the vessels called the "Agrippina" and the "Bahama", dispatch from Great Britain to that end, that the British Government failed to use due diligence in the performance of its neutral obligations; and especially that it omitted, notwithstanding the warnings and official representations made by the diplomatic agents of the United States during the construction of the said number "290", to take in due time any effective measures of prevention, and that those orders which it did give at last, for the detention of the vessel, were issued so late that their execution was not practicable;

And whereas after the escape of that vessel, the measures taken for its pursuit and its arrest were so imperfect as to lead to no result, and therefore cannot be considered sufficient to release Great Britian from the responsibility already incurred;

And whereas, in spite of the violations of the neutrality of Great Britain committed by the "290," this same vessel, later known as the confederate cruiser Alabama, was on several occasions freely admitted into the ports of colonies of Great Britain, instead of being proceeded against as it ought to have been in any and every port within British jurisdiction in which it might have been found;

And whereas the Government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the plea of insufficiency of the legal means of action which it possessed:

For the arbitrators for the reasons above assigned and the fifth for the reasons separately signed by him,

Are of opinion—

That Great Britain has in this case failed by omission, to fulfil the duties prescribed in the first and the third of the rules, established by the VIth article of the treaty of Washington.

And whereas, with respect to the vessel called the "Florida" it results from all the facts relative to the construction of the "Oreto" in the port of Liverpool, and to its issue there from, which facts failed to induce the authorities in Great Britain to resort to measures adequate to prevent the violation of the neutrality of that nation, notwithstanding the warnings and repeated representations of the agents of the United States, that Her Majesty's Government has failed to use due diligence to fulfill the duties of neutrality;

And whereas it likewise results from all the facts relative to the stay of the "Oreto" at Nassau, to her issue from that port, to her enlistment of men, to her supplies, and to her armament, with the cooperation of the British vessel "Prince Alfred" at Green Cay, that there was negligence on the part of the British colonial authorities;

And whereas, notwithstanding the violation with Great Britain committed by the Oreto, this same vessel later known as the confederate cruiser Florida, was nevertheless on several occasions freely admitted into the ports of British colonies;

And whereas the judicial acquittal of the "Oreto" at Nassau cannot relieve Great Britain from the responsibility incurred by her under the principles of international law; nor can the fact of the entry of the Florida into the confederate port of Mobile, and of its stay there during four months extinguish the responsibility previously to that time incurred by Great Britain;

For these reasons,

The tribunal by a majority of four voices to one is of opinion—

That Great Britain has in this case failed by omission to fulfill the duties prescribed in the first, in the second, and in the third of the rules established by article VI. of the treaty of Washington.

And whereas, with respect to the vessel called the "Shenandoah," it results from all the facts relative to the departure from London of the merchant vessel "The Sea King" and to the transformation of that ship into a confederate cruiser under the name of the Shenandoah near the Island of Madeira, that the Government of Her Britannic Majesty is not chargeable with any failure, down to that date, in the use of all diligence to fulfill the duties of neutrality;

But whereas its results from all the facts connected with the stay of the Shenandoah at Melbourne, and especially with the augmentation which the British Government itself admits to have been clandestinely effected of her force, by the enlistment of men within that port, that there was negligence on the part of the authorities of that place:

For these reasons,

The tribunal is unanimously of opinion—

That Great Britain has not failed by any act or omission, "to fulfill any of the duties prescribed by the three rules of article VI in the treaty of Washington or by the principles of law not inconsistent therewith," in respect to the vessel called the Shenandoah, during the period of time anterior to her entry into the port of Melbourne;

And by a majority of three to two voices, the tribunal decided that Great Britain has failed, by omission to fulfill the duties prescribed by the second and third of rules aforesaid, in the case of this same vessel, from and after her entry into Hobson's Bay, and is therefore responsible for all acts committed by that vessel after her departure from Melbourne on the 18 day of February 1865.

And so far as relates to the vessels called—The Tuscaloosa, (tender to the Alabama), The Clarence, The Tacony and The Archer, (tenders to the Florida),

The tribunal is unanimously of opinion—

That such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals, and be submitted to the same decision which applies to them respectively.

And so far as relates to the vessel called "Retribution,"

The tribunal by a majority of three to two voices is of opinion—

That Great Britain has not failed by any act or omission to fulfill any of the duties prescribed by the three rules of article VI in the treaty of Washington, or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called—The Georgia, The Sumter, The Nashville, The Tallahasse, and The Chickamauga, respectively,

The tribunal is unanimously of opinion—

That Great Britain has not failed, by any act or omission to fulfill any of the duties prescribed by the three rules of article VI. in the treaty of Washington or by the principles of international law not inconsistent therewith.

And so far as relates to the vessels called—The Sallie, The Jefferson Davis, The Music, The Boston and the V. H. Joy, respectively,

The tribunal is unanimously of opinion—

That they ought to be excluded from consideration for want of evidence.

And whereas, so far as relates to the particulars of the indemnity claimed by the United States, the cost of pursuit of the confederate cruisers, are not, in the judgment of the tribunal, properly distinguishable from the general expenses of the war carried on by the United States.

The tribunal is therefore of opinion, by a majority of three to two voices—

That there is no ground for awarding to the United States any sum by way of indemnity under this head.

And whereas prospective earnings cannot properly be made the subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies:

The tribunal is unanimously of opinion—

That there is no good ground for awarding to the United States any sum by way of indemnity under this head.

And whereas in order to arrive at an equitable compensation for the damages which have been sustained, it is neccessary to set aside all double claims for the same losses, and all claims for "gross freights" so far as they exceed "net freights;"

And whereas it is just and reasonable to allow interest at a reasonable rate;

And whereas, in accordance with the spirit and letter of the treaty of Washington, it is preferable to adopt the form of adjudication of a sum in gross, rather than refer the subject of compensation for a further discussion and deliberation to a board of assessors, as provided by article X of the said treaty;

The tribunal, making use of the authority conferred upon it by article VII of the said treaty, by a majority of four voices to one awards to the United States a sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States, for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article VII of the aforsaid treaty.

And, in accordance with the terms of article XI of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled".

Further it declares, that "each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible."

In testimony whereof this present decision an award has been made in duplicate and signed by the arbitrators who have given their assent thereto, the whole being in exact conformity with the provisions of article VII of the said treaty of Washington.

Made and concluded at the Hotel de Ville of Geneva, in Switzerland, the 14th day of the month of September, in the year of our Lord, One thousand eight hundred and seventy-two.

CHAS. FRANCIS ADAMS.
FREDERICK SCLOPIS.
STAMPFLI.
VICOMTE D'ITAJUBA.

1873.

ADDITIONAL ARTICLE TO TREATY OF MAY 8, 1871, RESPECTING MEETING PLACES FOR THE COMMISSION UNDER ARTICLE XII.

Concluded January 18, 1873; ratification advised by the Senate February 14, 1873; ratified by the President February 28, 1873; ratifications exchanged April 10, 1873; proclaimed April 15, 1873.

Whereas, pursuant to the XIIth Article of the treaty between the United States and Her Britannic Majesty of the 8th of May, 1871, it was stipulated that the Commissioners therein provided for should meet at Washington; but whereas it has been found inconvenient in the summer season to hold those meetings in the city of Washington, in order to avoid such inconvenience, the President of the United States has invested Hamilton Fish, Secretary of State, with full power, and her Britannic Majesty has invested the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, with like power, who having met and examined their respective powers, which were found to be in proper form have agreed upon the following

ADDITIONAL ARTICLE.

It is agreed that the sessions of the Commissioners provided for by the twelfth Article of the Treaty between the United States and Her

Britannic Majesty of the 8th of May 1871, need not be restricted to the city of Washington, but may be held at such other place within the United States as the commission may prefer.

The present Additional Article shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible thereafter.

In witness whereof, we the respective Plenipotentiaries have signed the same and have hereunto affixed our respective seals.

Done in duplicate at the city of Washington, the eighteenth day of January, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1873.

PROTOCOL OF A CONFERENCE AT WASHINGTON, MARCH 10, 1873, RESPECTING THE NORTHWEST WATER-BOUNDARY.

Whereas it was provided by the first article of the treaty between the United States of America and Great Britain, signed at Washington on the 15th of June, 1846, as follows:

"ARTICLE I.

"From the point on the 49th Parallel of North Latitude, where the Boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of Boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said 49th parallel of North Latitude, to the middle of the channel which separates the Continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean; *Provided*, *however*, That the navigation of the whole of the said channel and straits, south of the 49th parallel of North Latitude, remain free and open to both parties."

And whereas it was provided by the XXXIVth Article of the Treaty between the United States of America and Great Britain, signed at Washington on the 8th of May, 1871, as follows:

ARTICLE XXXIV.

"Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the 49th parallel of North Latitude up to which it had already been ascertained, should be continued westward along the said parallel of North Latitude to the middle of the channel which separates the Continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca's Straits to the Pacific Ocean—and whereas the commisisoners ap-

pointed by the two high contracting parties to determine that portion of the Boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States, and of the Government of Her Britannic Majesty, shall be submitted to the arbitration and award of His Majesty the Emperor of Germany who having regard to the abovementioned article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15th, 1846."

And whereas His Majesty, the Emperor of Germany has, by his award dated the 21st of October 1872, decided that "Mit der richtigen Auslegung des zwischen den Regierungen Ihrer Britischen Majestät und der Vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15 Juni 1846, steht der Auspruch der Regierung der Vereinigten Staaten am meisten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät und den Vereinigten Staaten durch den Haro-Kanal gezogen warde."

The undersigned Hamilton Fish Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Rear-Admiral James Charles Prevost, Commissioner of Her Britannic Majesty in respect of the boundary aforesaid, duly authorized by their respective Governments to trace out and mark on charts prepared for that purpose, the line of Boundary in conformity with the award of His Majesty, the Emperor of Germany, and to complete the determination of so much of the Boundary line between the territory of the United States and the possessions of Great Britain, as was left uncompleted by the commissioners heretofore appointed to carry into effect the First Article of the Treaty of 15th June 1846, have met together at Washington, and have traced out and marked the said Boundary line on four charts, severally entitled—"North America, West Coast, Strait of Juan de Fuca and the channels between the Continent and Vancouver Id., showing the Boundary line between British and American Possessions, from the admiralty surveys by Captains H. Kellett R. N. 1847, and G. H. Richards, R. N., 1858–1862" and having on examination agreed that the lines so traced out and marked on the respective charts are identical, they have severally signed the said charts on behalf of their respective Governments, two copies thereof to be retained by the Government of the United States, and two copies thereof to be retained by the Government of Her Britannic Majesty, to serve with the "definition of the Boundary line," attached hereto, showing the general bearings of the line of Boundary as laid down on the charts, as a perpetual record of agreement between the two Governments in the matter of the line of Boundary between their respective dominions under the First Article of the Treaty concluded at Washington on the 15th of June 1846.

In witness whereof the undersigned have signed this Protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this tenth day of March in the year 1873.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.
[SEAL.] JAMES C. PREVOST.

DEFINITION OF THE BOUNDARY-LINE.

The chart upon which the Boundary Line between the British and United States Possessions is laid down, is entitled "North America, West Coast, Strait of Juan de Fuca and the channels between the continent and Vancouver Id., showing the Boundary line between British and American Possessions, from the Admiralty surveys by Captains H. Kellett, R N, 1847, and G H Richards, R N, 1858–1862."

The Boundary line thus laid down on the chart is a black line shaded red on the side of the British possessions and blue on the side of the possessions of the United States.

The Boundary line thus defined commences at the point on the 49th parallel of North Latitude on the west side of Point Robarts which is marked by a stone monument, and the line is continued along the said parallel to the middle of the channel which separates the Continent from Vancouver Island, that is to say to a point in Longitude 123° 19′ 15″ W, as shown in the said chart.

It then proceeds in a direction about S 50° E (true) for about fifteen geographical miles, when it curves to the southward passing equidistant between the west point of Patos Island and the east point of Saturna Island until the point midway on a line drawn between Turnpoint on Stewart Island and Fairfax point on Moresby Island bears S. 68° W, (true,) distant ten miles then on a course south 68° W, (true,) ten miles to the said point midway between Turnpoint on Stewart Island and Fairfax Point on Moresby Island, thence on a course about south 12° 30′ east (true) for about eight and three quarter miles to a point due east one mile from the northernmost Kelp Reef which reef on the said chart is laid down as in Latitude 48° 33′ north and in longitude 123° 15′ west, then its direction continues about S 20° 15′ east (true) six and one-eighth miles to a point midway between Sea Bird Point on Discovery Island and Pile Point on San Juan Island thence in a straight line S 45° E (true) until it touches the North end of the middle Bank in between 13 and 18 fathoms of water; from this point the line takes a general S 28° 30′ W direction (true) for about ten miles when it reaches the center of the fairway of the Strait of Juan de Fuca, which by the chart is in the Latitude of 48° 17′ north and longitude 123° 14′ 40″ W.

Thence the line runs in a direction S. 73° W (true) for twelve miles to a point on a straight line drawn from the lighthouse on Race Island to Angelos Point midway between the same.

Thence the line runs through the center of the Strait of Juan de Fuca *first* in a direction N. 80° 30′ W about 5¾ miles to a point equidistant on a straight line between Beechey Head on Vancouver Island and Tongue Point on the shore of Washington Territory, *second* in a direction N. 76° W, about 13½ miles to a point equidistant

in a straight line between Sherringham Point on Vancouver Island and Pillar Point on the shore of Washington Territory, *third*, in a direction N. 68 W, about 30¾ miles to the Pacific Ocean at a point equidistant between Bonilla Point on Vancouver Island and Tatooch Island lighthouse on the American shore—the line between the points being nearly due North and South (true.)

The courses and distances as given in the foregoing description are not assumed to be perfectly accurate but are as nearly so as is supposed to be necessary to a practical definition of the line laid down on the chart and intended to be the Boundary line.

HAMILTON FISH.
EDWD. THORNTON.
JAMES C. PREVOST.

1873.

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON, JUNE 7, 1873, SETTING THE TIME AT WHICH ARTICLES 18 TO 25, AND ARTICLE 30 OF THE TREATY OF MAY 8, 1871, SHOULD GO INTO EFFECT, WITH RESPECT TO PRINCE EDWARD'S ISLAND.

Whereas it is provided by Article XXXIII of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 8th of May, 1871, as follows:—

"ARTICLE XXXIII.

"The foregoing Articles, XVIII to XXV, inclusive, and Article XXX of this Treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward."

And whereas, in accordance with the stipulations of the above recited Article, an Act was passed by the Imperial Parliament of Great Britain in the 35th and 36th years of the reign of Queen Victoria, intituled "An Act to carry into effect a Treaty between Her Majesty and the United States of America."

And whereas an Act was passed by the Senate and House of Commons of Canada in the fifth session of the First Parliament, held in the thirty-fifth year of Her Majesty's Reign, and assented to in Her Majesty's name, by the Governor General on the Fourteenth day of June, 1872, intituled "An Act relating to the Treaty of Washington 1871."

And whereas an Act was passed by the Legislature of Prince Edward's Island and assented to by the Lieutenant Governor of that Colony on the 29th day of June, 1872, intituled "An Act relating to the Treaty of Washington, 1871."

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March 1873, by the President of the United States, intituled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington, the eighth day of May, eighteen hundred and seventy-one, relating to Fisheries."

The undersigned Hamilton Fish, Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Brittanic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington and having found that the laws required to carry the Articles XVIII to XXV inclusive, and Article XXX of the Treaty aforesaid into operation have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV inclusive, and Article XXX of the Treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the First day of July next.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this Seventh day of June, 1873.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1874.

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON MAY 28, 1874 SETTING THE TIME AT WHICH ARTICLES 18 TO 25, AND ARTICLE 30 OF THE TREATY OF MAY 8, 1871, SHOULD GO INTO EFFECT WITH RESPECT TO NEWFOUNDLAND.

Whereas it is provided by Article XXXII of the Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty."

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved on the first day of March 1873, by the President of the United States entitled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the city of Washington the eighth of May 1871, relating to fisheries—" by which Act it is provided:

"SEC. 2. That whenever the Colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles eighteenth to twenty-fifth of said Treaty, inclusive, to that Colony, and the Legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated Articles, being the produce of the fisheries of the Colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said Colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles eighteenth to twenty-fifth inclusive, of the said Treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said Articles eighteenth to twenty-fifth inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty-third of said Treaty."

And whereas an Act was passed by the Governor Legislative Council and Assembly of Newfoundland in Legislative session convened in the thirty-seventh year of Her Majesty's reign and assented to by Her Majesty on the twelfth day of May 1874, entitled "An Act to carry into effect the provisions of the Treaty of Washington as far as they relate to this Colony."

The undersigned Hamilton Fish, Secretary of State of the United States and the Right Honorable Sir Edward Thornton, one of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII of the Treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada and by the Legislature of Prince Edward's Island and the Legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV inclusive, and Article XXX of the Treaty between the United States of America and Her Britannic Majesty, shall take effect in accordance with Article XXXIII of said Treaty between the citizens of the United States of America and Her Majesty's subjects in the Colony of Newfoundland on the first day of June next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this twenty-eighth day of May 1874.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

1885.

Agreement Between the United States and Great Britain Respecting the Fisheries.

(Under treaty of 1871.)

Concluded June 22, 1885.

NOTICE.

By direction of the President, the undersigned, Secretary of State, hereby makes known to all whom it may concern that a temporary diplomatic agreement has been entered into between the Government of the United States and the Government of Her Britannic Majesty in relation to the fishing privileges which were granted by the fishery clauses of the treaty between the United States and Great Britain of May 8, 1871, whereby the privilege of fishing, which would otherwise have terminated with the treaty clauses of the 1st of July proximo, may continue to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

This agreement proceeds from the mutual good-will of the two Governments, and has been reached solely to avoid all misunderstanding and difficulties which might otherwise arise from the abrupt termination of the fishing of 1885 in the midst of the season. The immunity which is accorded by this agreement to the vessels belonging to citizens of the United States engaged in fishing in the British American waters will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

The joint resolution of Congress of March 3, 1883, providing for the termination of the fishing articles of the treaty of May 8, 1871, having repealed in terms the act of March 1, 1873, for the execution of the fishing articles, and that repeal being express and absolute from the date of the termination of the said fishing articles, under due notification given and proclaimed by the President of the United States, to wit, July 1, 1885, the present temporary agreement in no way affects the question of statutory enactment or exemption from customs duties, as to which the abrogation of the fishing articles remains complete.

As part of this agreement, the President will bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a joint commission by the Governments of the United States and Great Britain to consider the matter, in the interest of maintaining good neighborhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended.

Reference is also made to the President's proclamation [a] of January 31, 1885, terminating the fishing articles of the Treaty of Washington.

By direction of the President:

T. F. Bayard,
Secretary of State.

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[a] Proclamation, page 734.

APPENDICES.

1. Mr. West's memorandum of March 12, 1885.
2. Mr. Bayard to Mr. West, memorandum of April 22, 1885.
3. Mr. West's memoranda of June 13, 1885.
4. Mr. Bayard to Mr. West, June 19, 1885.
5. Mr. West to Mr. Bayard, June 20, 1885.
6. Mr. Bayard to Mr. West, June 20, 1885.
7. Mr. Bayard to Mr. West, June 22, 1885.
8. Mr. West to Mr. Bayard, June 22, 1885.
President's proclamation, January 31, 1885.

1.—*Mr. West's memorandum of March 12, 1885.*

[Memorandum.—Confidential.]

The fishery clauses of the Treaty of Washington of 1871 will expire on the 1st of July next. It has been represented by the Canadian Government that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period.

When the time comes (1st of July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, on pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides which it is clearly the interest of both Governments to avert.

It seems therefore desirable, in order to avoid such possible complications, that both Governments should come to an agreement under which the clauses might be in effect extended until the 1st of January, 1886.

If this were done the existing state of things would come to an end at a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would be thus avoided.

WASHINGTON, *March 12, 1885.*

2.—*Mr. Bayard to Mr. West, April 22, 1885.*

[Memorandum of April 22, 1885.—Personal.]

DEPARTMENT OF STATE,
Washington, April 22, 1885.

DEAR MR. WEST: I have on several occasions lately, in conversation, acquainted you with my interest in the fisheries memorandum which accompanied your personal letter of March 12.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your early convenience.

I am, my dear Mr. West, very sincerely yours,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

MEMORANDUM.

The legislation passed by the Congress of the United States, act of March 1, 1873, for the execution of the fishery articles of the Treaty of Washington, has been repealed by the joint resolution of March 3, 1883, the repeal to take effect July 1, 1885. From that date the effects of the fisheries articles of the Treaty

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of Washington absolutly determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the treaty beyond the 1st of July next, the date fixed by the action of Congress.

Mr. West's memoraudum of March 12, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to July 1, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st of July.

It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada, that in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishiug vessels belonging to citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of amity and good neighborhood, should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointmeut of a commission in which the Goverunents of the United States aud of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America.

The President of the United States would be prepared to recommend the adoption of such action by Congress with the understanding that in view and in consideration of such promised recommeudation there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland, against the fishermen of the United States resorting to British-American waters between the 1st of July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyauce to the individuals engaged in this business and traffic, and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

Public knowledge of this uuderstanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press.

3.—*Mr West's memoranda of June 13, 1885.*

[Memoranda.]

It is proposed to state in notes according temporary arrangements respecting fisheries that an agreement has beeu arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America.

The Government of Newfoundland do not make refuuding of duties a condition of their acceptance of the proposed agreement, but they rely on it having due consideration before the international commission which may be appointed.

4.—*Mr. Bayard to Mr. West, June 19, 1885.*

[Confidential.]

DEPARTMENT OF STATE,
Washington, June 19, 1885.

MY DEAR MR. WEST: I assume that the two confidential memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British-American coast provinces of the general features of my memo-

randum of April 21, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

To such a contingent understanding I can have no objection. Indeed, I regard it as covered by the statement in my memorandum of May 21, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

The equities of the question being before such a mixed commission would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighborhood and intercourse between the two countries, the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration.

I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested commission on behalf of either party.

I believe this statement will be satisfactory to you, and I should be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and memoranda the agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British-American Atlantic coast.

I have the honor to be, with the highest respect, sir, your obedient servant,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST.

5.—*Mr. West to Mr. Bayard, June 20, 1885.*

[Confidential.]

BRITISH LEGATION,
Washington, June 20, 1885.

MY DEAR MR. BAYARD: I beg to acknowledge the receipt of your confidential note of yesterday's date, concerning the proposed temporary arrangement respecting the fisheries, which I am authorized by Her Majesty's Government to negotiate with you on behalf of the Government of the Dominion of Canada and the Government of Newfoundland, to be effected by an exchange of notes founded on your memorandum of the 21st of April last.

The two confidential memoranda which I handed to you on the 13th instant contain, as you assume, the acceptance by the Dominion and the British-American coast provinces of the general features of your above-mentioned memorandum, with the understanding expressed on their side that the agreement has been arrived at under circumstances affording prospects of negotiation for the development and extension of trade between the United States and British North America, a contingent understanding to which, as you state, you can have no objection, as you regard it as covered by the terms of your memorandum of April 21.

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the colonial governments in the course of the negotiation for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty's Government and the colonial governments have consented to the arrangement, solely as a mark of good will to the Government and people of the United States, and to avoid difficulties which might be raised by the termination of the fishery articles in the midst of a fishing season; and also the ac-

ceptance of such a *modus vivendi* does not, by any implication, affect the value of the inshore fisheries by the Governments of Canada and Newfoundland. I had occasion to remark to you that while the colonial governments are asked to guarantee immunity from interference to American vessels resorting to Canadian waters, no such immunity is offered in your memorandum to Canadian vessels resorting to American waters, but that the Dominion Government presumed that the agreement in this respect would be mutual. As you accepted this view, it would, I think, be as well that mention should be made to this effect in the notes.

Under the reservations, as above indicated, in which I believe you acquiesce, I am prepared to accept the understanding on behalf of British North America, and to exchange notes in the above sense.

I have the honor to be, with the highest respect, sir, your obedient servant.

L. S. SACKVILLE WEST.

Hon. T. F. BAYARD, &c.

6.—*Mr. Bayard to Mr. West, June 20, 1885.*

DEPARTMENT OF STATE,
Washington, June 20, 1885.

SIR: I have just received your note of to-day's date in regard to the proposed temporary arrangement touching the fisheries.

Undoubtedly it is our clear and mutual understanding that the arrangement now made is only temporary, and that it proceeds from the mutual good will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season.

I understand, also, that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States, engaged in fishing in the British-American waters, will be extended to British vessels and subjects engaged in fishing in the waters of the United States. Perceiving, therefore, no substantial difference between our respective propositions and these statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our memoranda and the correspondence between us and as thus concluded; and public notification to that effect will be given in a few days by the President.

I have the honor to be, with the highest consideration, sir, your obedient servant,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

7.—*Mr. Bayard to Mr. West, June 22, 1885.*

DEPARTMENT OF STATE,
Washington, June 22, 1885.

SIR: In compliance with your verbal request of this morning that I should restate part of my note to you of the 19th, I repeat that the arrangement, whereby a *modus vivendi* on the fishing question has been reached, rests on the memoranda and correspondence exchanged; that your memorandum of the 13th instant expressed the understanding on your side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America;" that I not only had no objection to such an understanding, but, in fact, regarded it as amply embraced in our proposal to recommend a commission to deal with the whole subject in the interest of good neighborhood and intercourse, and that the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to have attentive consideration.

Having thus not only admitted the proviso of your memorandum in your own language, but gone still further and pointed out that no limits would be set, so far as I was concerned, to the proposals to be brought forward in the suggested commission on behalf of either party, I do not see how it is possible

for me to give any stronger assurance that the understanding has "been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British America."

I have the honor to be, with the highest consideration, sir,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

8.—*Mr. West to Mr. Bayard, June 22, 1885.*

WASHINGTON, *June 22, 1885.*

SIR: I have the honor to acknowledge the receipt of your notes of the 20th and 22d instant in regard to the proposed temporary arrangement touching the fisheries, in which you state that it is our clear and mutual understanding that such arrangement is only temporary, and that it proceeds from the mutual good-will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season. Also that the same immunity which is accorded by this Government to the vessels belonging to the citizens of the United States engaged in fishing in the British-American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States, and that the agreement has been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

As therefore there exists no substantial difference between our respective propositions and the statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our memoranda and the correspondence between us as thus concluded, and shall inform Her Majesty's Government and the Governments of the Dominion of Canada and Newfoundland accordingly.

I have the honor to be, with the highest consideration, sir, your obedient servant,

L. S. SACKVILLE WEST.

Hon. T. F. BAYARD, &c.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Treaty concluded between the United States of America and Her Majesty the Queen of Great Britain and Ireland, concluded at Washington on the 8th day of May, 1871, contains among other Articles the following, viz:

"ARTICLE XVIII."

"It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States fishermen by the Convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen."

"ARTICLE XIX."

"It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States."

"ARTICLE XX."

"It is agreed that the places designated by the Commissioners appointed under the first Article of the Treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under said first Article of the Treaty of the 5th of June, 1854."

"ARTICLE XXI."

"It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty."

"ARTICLE XXII."

"Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given."

"ARTICLE XXIII."

"The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then

the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

"The Commissioners so named shall meet in the City of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

"Each of the High Contracting Parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission."

"ARTICLE XXIV."

"The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either Party shall offer oral testimony, the other Party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

"If in the case submitted to the Commissioners either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Commissioners, to produce the originals, or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

"The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty."

"ARTICLE XXV."

"The Commissioner shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

"Each of the High Contracting Parties shall pay its own Commissioner and agent or counsel; all other expenses shall be defrayed by the two Governments in equal moieties."

"ARTICLE XXX."

"It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

"Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the Possessions of Her Britannic Majesty in North America to another port or place within the said Possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

"The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

"The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII."

"ARTICLE XXXII."

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this Treaty."

And, whereas, pursuant to the provisions of Article XXXIII of said Treaty, due notice has been given to the Government of Her Britannic Majesty of the intention of the Government of the United States of America, to terminate the above recited Articles of the Treaty in question, on the 1st day of July, 1885;

And, whereas, pursuant to the terms of said Treaty, and of the notice given thereunder by the Government of the United States of America to that of Her Britannic Majesty, the above recited articles of the Treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885:

Now, therefore, I, Chester A. Arthur, President of the United States of America, do hereby give public notice that Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII, of the Treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885, and all citizens of the United States are hereby warned that none of the privileges secured by the above recited articles of the Treaty in question will exist after the 1st day of July next; all American fishermen should govern themselves accordingly.

Done at the City of Washington, this 31st day of January, in the year of Our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] CHESTER A. ARTHUR.

By the President:

FREDK. T. FRELINGHUYSEN,
Secretary of State.

1877.

DECLARATION AFFORDING RECIPROCAL PROTECTION TO TRADE-MARKS.

Concluded October 24, 1877; ratification advised by the Senate May 22, 1878; ratified by the President May 25, 1878; no exchange of ratifications made; proclaimed July 17, 1878.

The Government of the United States of America, and the Government of Her Majesty the Queen of the United Kingdom of Great

Britain and Ireland, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects or citizens, or as are now granted or may hereafter be granted to the subjects and citizens of the most favored nation, in everything relating to property in trade marks and trade labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done at London, the twenty fourth day of October 1877.

[SEAL.] EDWARDS PIERREPONT
[SEAL.] DERBY

1888.

ORIGINAL MODUS VIVENDI PENDING THE RATIFICATION OF THE TREATY CONCERNING FISHERIES.

Signed February 15, 1888.

PROTOCOL.

The Treaty having been signed the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangements for a period not exceeding two years, in order to afford a "*modus vivendi*" pending the ratification of the Treaty.

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States fishing vessels by annual Licenses at a fee of $1½ per ton—for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish oil, whale and seal oil (and their coverings, packages, &c.,) the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I. of the Convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial Authorities.

Washington, February 15th, 1888.

J Chamberlain
L S Sackville West
Charles Tupper

PROTOCOL.

The American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the Fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British Possessions in North America and the United States; and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the Treaty, when the latter is submitted to that body for ratification.

Washingon, February 15, 1888.

T. F. Bayard
William L Putnam
James B. Angell

1889.

June 14, 1889.

General Act, Between Great Britain, Germany and United States, for the Neutrality and Autonomous Government of Samoan Islands.

(For text of this General Act see " Samoan Islands," page 1576.)

1889.

Extradition Convention.[a] [b]

Concluded July 12, 1889; ratification advised by the Senate with amendments February 18, 1890; ratified by the President February 25, 1890; ratifications exchanged March 11, 1890; proclaimed March 25, 1890.

Articles.

I. Additional extraditable crimes.
II. Political crimes.
III. Prior offenses.
IV. Delivery of articles seized.
V. Crimes committed in other countries.
VI. Procedure.
VII. Escaped convicts.
VIII. No prior effect.
IX. Ratification; duration.

Whereas by the Tenth Article of the Treaty concluded between the United States of America and Her Britannic Majesty on the ninth day of August, 1842, provision is made for the extradition of persons charged with certain crimes;

And Whereas it is now desired by the High Contracting Parties that the provisions of the said Article should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

Article I.

The provisions of the said Tenth Article are hereby made applicable to the following additional crimes:

1. Manslaughter, when voluntary.

2. Counterfeiting or altering money; uttering or bringing into circulation counterfeit or altered money.

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[a] Federal cases: Bryant *v.* U. S. (167 U. S., 104), Cosgrove *v.* Winney (174 U. S., 64), Rice *v.* Ames (180 U. S., 371), Wright *v.* Henkel (190 U. S., 45), Pettit *v.* Walshe (194 U. S., 205), Barrington *v.* Missouri (205 U. S., 483), Collins *v.* O'Neill (214 U. S., 113), in re Breen (75 Fed. Rep., 458), in re Bryant (80 Fed. Rep., 282), in re Taylor (118 Fed. Rep., 196), in re Wright (123 Fed. Rep., 263), in re Frank (107 Fed. Rep., 272), in re Walshe (125 Fed. Rep., 572), U. S. *v.* Piaza (133 Fed. Rep., 998), U. S. *v.* Greene (146 Fed. Rep., 766), ex parte Brown (148 Fed. Rep., 68), Greene *v.* U. S. (154 Fed. Rep., 401), and in re Mitchell (171 Fed. Rep., 189).

[b] See Supp. Extradition, pages 780 and 798.

3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.

4. Fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any company, made criminal by the laws of both countries.

5. Perjury, or subornation of perjury.

6. Rape; abduction; child-stealing; kidnapping.

7. Burglary; house-breaking or shop-breaking.

8. Piracy by the law of nations.

9. Revolt, or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.

10. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Tenth Article, provided such participation be punishable by the laws of both countries.

ARTICLE II.

A fugitive criminal shall not be surrendered, if the offense in respect of which his surrender is demanded be one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government in whose jurisdiction the fugitive shall be at the time shall be final.

ARTICLE III.

No person surrendered by or to either of the High Contracting Parties shall be triable or be tried for any crime or offense, committed prior to his extradition, other than the offense for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable, and if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

ARTICLE V.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to that state whose demand is first received.

The provisions of this Article, and also of Articles II to IV, inclusive, of the present Convention, shall apply to surrender for offenses specified in the aforesaid Tenth Article, as well as to surrender for offenses specified in this Convention.

ARTICLE VI.

The extradition of fugitives under the provisions of this Convention and of the said Tenth Article shall be carried out in the United States and in Her Majesty's dominions, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering State.

ARTICLE VII.

The provisions of the said Tenth Article and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction and of the sentence of the court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

ARTICLE VIII.

The present Convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

ARTICLE IX.

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof, the undersigned have signed the same and have affixed thereto their seals.

Done in duplicate at the city of Washington, this twelfth day of July, 1889.

[SEAL.] JAMES G. BLAINE.
[SEAL.] JULIAN PAUNCEFOTE.

1891.

Claims Protocol.

Concluded June 13, 1891.

This protocol, in reference to arbitration of claims against Portugal, will be found under (Portugal) June 13, 1891, page 1460.

1891.

Modus Vivendi Respecting the Fur-Seal Fisheries in Behring Sea.

Signed June 15, 1891; Proclaimed June 15, 1891.

Articles.

I. Prohibition by Great Britain.
II. Prohibition by the United States.
III. Seizure of vessels.
IV. Right of visit.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF HER BRITANNIC MAJESTY FOR A MODUS VIVENDI IN RELATION TO THE FUR SEAL FISHERIES IN BEHRING SEA.

For the purpose of avoiding irritating differences and with a view to promote the friendly settlement of the questions pending between the two Governments touching their respective rights in Behring Sea, and for the preservation of the seal species, the following agreement is made without prejudice to the rights or claims of either party.

I. Her Majesty's Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. 1 of the Treaty of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

II. The United States Government will prohibit seal killing for the same period in the same part of Behring Sea and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives) and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

III. Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. The witnesses and proofs necessary to establish the offense shall also be sent with them.

IV. In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the presentation of the case of that government before arbitrators, and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.

Signed and sealed in duplicate at Washington, this fifteenth day of June 1891, on behalf of their respective Governments, by William F. Wharton, Acting Secretary of State of the United States, and Sir Julian Pauncefote, G. C. M. G., K. C. B., H. B. M. Envoy Extraordinary and Minister Plenipotentiary.

WILLIAM F. WHARTON [SEAL.]
JULIAN PAUNCEFOTE [SEAL.]

1891.

AGREEMENT BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF GREAT BRITAIN ON THE TEXT OF ARTICLES FOR INSERTION IN THE BERING SEA ARBITRATION AGREEMENT.

Signed December 18, 1891.

The following is the text of Articles for insertion in the Behring Sea Arbitration Agreement as settled in the Diplomatic Correspondence between the Government of the United States and the Government of Great Britain:

I.

What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

II.

How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

III.

Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean", as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

IV.

Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

V.

Has the United States any right, and, if so, what right of protection or property in the fur seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?

VI.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur seal in, or habitually resorting to, the Behring's Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination the report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The Contracting Powers furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations.

VII.

The respective Governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

JAMES G. BLAINE 18 December 1891
JULIAN PAUNCEFOTE 18 Dec. 1891.

The following is the text of the Behring's Sea Joint Commission Agreement as settled in the Diplomatic Correspondence between the Government of the United States and the Government of Great Britain:

Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Goverment on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators cannot arise.

JAMES G. BLAINE 18 December 1891
JULIAN PAUNCEFOTE 18 Dec. 1891.

1891.

Copyright Proclamation.

Note.—See copyright proclamation Belgium, France, Great Britain and Switzerland, page 105.

1892.

Convention Relating to Fur-Seals in Behring Sea.

Concluded February 29, 1892; ratification advised by Senate March 29, 1892; ratified by President April 22, 1892; ratifications exchanged May 7, 1892; proclaimed May 9, 1892.

Articles.

I. Tribunal.
II. Meeting; agent.
III. Submission of case.
IV. Procedure.
V. Arguments.
VI. Points for decision.
VII. Regulations to preserve seals.
VIII. Liabilities for injuries.
IX. Report.
X. Expenses.
XI. Decision.
XII. Arbitration expenses.
XIII. Record.
XIV. Final settlement.
XV. Ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for an amicable settlement of the questions which have arisen between their respective governments concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, have resolved to submit to arbitration the questions involved, and to the end of concluding a convention for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G. C. M. G., K. C. B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and concluded the following articles.

Article I.

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the

citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, shall be submitted to a tribunal of Arbitration, to be composed of seven Arbitrators, who shall be appointed in the following manner, that is to say: Two shall be named by the President of the United States; two shall be named by Her Britannic Majesty; His Excellency the President of the French Republic shall be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy shall be so requested to name one; and His Majesty the King of Sweden and Norway shall be so requested to name one. The seven Arbitrators to be so named shall be jurists of distinguished reputation in their respective countries; and the selected Powers shall be requested to choose, if possible, jurists who are acquainted with the English language.

In case of the death, absence or incapacity to serve of any or either of the said Arbitrators, or in the event of any or either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, as the case may be, shall name, or shall be requested to name forthwith another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the joint request from the High Contracting Parties of His Excellency the President of the French Republic, or His Majesty the King of Italy, or His Majesty the King of Sweden and Norway, to name an Arbitrator, either to fill the original appointment or to fill a vacancy as above provided, then in such case the appointment shall be made or the vacancy shall be filled in such manner as the High Contracting Parties shall agree.

Article II.

The Arbitrators shall meet at Paris within twenty days after the delivery of the counter cases mentioned in Article IV, and shall proceed impartially and carefully to examine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

Article III.

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding four months from the date of the exchange of the ratifications of this treaty.

ARTICLE IV.

Within three months after the delivery on both sides of the printed case, either party may, in like manner deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, however, in consequence of the distance of the place from which the evidence to be presented is to be procured, either party shall, within thirty days after the receipt by its agent of the case of the other party, give notice to the other party that it requires additional time for the delivery of such counter case, documents, correspondence and evidence, such additional time so indicated, but not exceeding sixty days beyond the three months in this Article provided, shall be allowed.

If in the case submitted to the Arbitrators either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

ARTICLE V.

It shall be the duty of the Agent of each party, within one month after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the Arbitrators by oral argument of counsel; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

ARTICLE VI.

In deciding the matter submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their awards shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean", as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?

ARTICLE VII.

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination the report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The High Contracting Parties furthermore agree to coöperate in securing the adhesion of other Powers to such Regulations.

ARTICLE VIII.

The High Contracting Parties having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it; and, being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

ARTICLE IX.

The High Contracting Parties have agreed to appoint two Commissioners on the part of each Government to make the joint investigation and report contemplated in the preceding Article VII, and to include the terms of the said Agreement in the present Convention, to the end that the joint and several reports and recommendations of said Commissioners may be in due form submitted to the Arbitrators should the contingency therefor arise, the said Agreement is accordingly herein included as follows:

Each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring's Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators can not arise.

ARTICLE X.

Each Government shall pay the expenses of its members of the Joint Commission in the investigation referred to in the preceding Article.

ARTICLE XI.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

ARTICLE XII.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrators appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal moieties.

ARTICLE XIII.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

ARTICLE XIV.

The High Contracting Parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the Arbitrators.

ARTICLE XV.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington the twenty-ninth day of February, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL]
JULIAN PAUNCEFOTE [SEAL]

AWARD OF THE TRIBUNAL OF ARBITRATION CONSTITUTED UNDER THE TREATY CONCLUDED AT WASHINGTON, THE 29TH OF FEBRUARY 1892, BETWEEN THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

Whereas by a Treaty between the United States of America and Great Britain, signed at Washington, February 29, 1892, the ratifications of which by the Governments of the two Countries were exchanged at London on May the 7th, 1892, it was, amongst other things, agreed and concluded that the questions which had arisen between the Government of the United States of America and the Government of Her Britannic Majesty, concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in or habitually resorting to the said sea, and the rights of the citizens and subjects of either Country as regards the taking of fur-seals in or habitually resorting to the said waters, should be submitted to a Tribunal of Arbitration to be composed of seven Arbitrators, who should be appointed in the following manner, that is to say: two should be named by the President of the United States; two should be named by Her Britannic Majesty; His Excellency the President of the French Republic should be jointly requested by the High Contracting Parties to name one; His Majesty the King of Italy should be so requested to name one; His Majesty the King of Sweden and Norway should be so requested to name one; the seven Arbitrators to be so named should be jurists of distinguished reputation in their respective Countries, and the selecting Powers should be requested to choose, if possible, jurists who are acquainted with the English language;

And whereas it was further agreed by article II of the said Treaty that the Arbitrators should meet at Paris within twenty days after the delivery of the Counter-Cases mentioned in article IV, and should proceed impartially and carefully to examine and decide the questions which had been or should be laid before them as in the said Treaty provided on the part of the Governments of the United States and of Her Britannic Majesty respectively, and that all questions considered by the Tribunal, including the final decision, should be determined by a majority of all the Arbitrators;

And whereas by article VI of the said Treaty, it was further provided as follows: "In deciding the matters submitted to the said "Abritrators, it is agreed that the following five points shall be sub- "mitted to them in order that their award shall embrace a distinct "decision upon each of said five points, to wit:

"1. What exclusive jurisdiction in the sea now known as the "Behring's Sea, and what exclusive rights in the seal fisheries therein, "did Russia assert and exercise prior and up to the time of the cession "of Alaska to the United States?

"2. How far were these claims of jurisdiction as to the seal fisheries "recognized and conceded by Great Britain?

"3. Was the body of water now known as the Behring's Sea in- "cluded in the phrase *Pacific Ocean*, as used in the Treaty of 1825 "between Great Britain and Russia; and what rights, if any, in the "Behring's Sea were held and exclusively exercised by Russia after "said Treaty?

"4. Did not all the rights of Russia as to jurisdiction and as to the "seal fisheries in Behring's Sea east of the water boundary, in the "Treaty between the United States and Russia of the 30th of March "1867, pass unimpaired to the United States under that treaty?

"5. Has the United States any right, and if so, what right of pro- "tection or property in the fur-seals frequenting the islands of the "United States in Behring Sea when such seals are found outside the "ordinary three-mile limit?"

And whereas, by article VII of the said Treaty, it was further agreed as follows:

"If the determination of the foregoing questions as to the exclusive "jurisdiction of the United States shall leave the subject in such posi- "tion that the concurrence of Great Britain is necessary to the estab- "lishment of Regulations for the proper protection and preservation "of the fur-seal in, or habitually resorting to, the Behring Sea, the "Arbitrators shall then determine what concurrent Regulations, out- "side the jurisdictional limits of the respective Governments, are "necessary, and over what waters such Regulations, should extend;"

"The High Contracting Parties furthermore agree to cooperate in "securing the adhesion of other Powers to such Regulations;"

And whereas, by article VIII of the said Treaty, after reciting that the High Contracting Parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question "should not interrupt or longer delay the submission and determi- "nation of the main questions", the High Contracting Parties agreed that "either of them might submit to the Arbitrators any question of "fact involved in said claims and ask for a finding thereon, the ques- "tion of the liability of either Government upon the facts found, to "be the subject of further negociation;"

And whereas the President of the United States of America named The Honourable JOHN M. HARLAN, Justice of the Supreme Court of the United States, and the Honourable JOHN T. MORGAN, Senator of the United States, to be two of the said Arbitrators, and Her Britannic Majesty named The Right Honourable Lord HANNEN and The Honourable Sir JOHN THOMPSON, Minister of Justice and Attorney General for Canada, to be two of the said Arbitrators, and His Excellency the President of the French Republic named the Baron DE COURCEL, Senator, Ambassador of France, to be one of the said Arbitrators, and His Majesty the King of Italy named the Marquis EMILIO VISCONTI VENOSTA, former Minister of Foreign Affairs and Senator of the Kingdom of Italy, to be one of the said Arbitrators, and His Majesty the King of Sweden and Norway named Mr. GREGERS GRAM, Minister of State, to be one of the said Arbitrators;

And whereas We, the said Arbitrators, so named and appointed, having taken upon ourselves the burden of the said Arbitration, and having duly met at Paris, proceeded impartially and carefully to examine and decide all the questions submitted to us the said Arbitrators, under the said Treaty, or laid before us as provided in the said Treaty on the part of the Governments of Her Britannic Majesty and the United States respectively;

NOW WE, the said Arbitrators, having impartially and carefully examined the said questions, do in like manner by this our Award decide and determine the said questions in the manner following, that is to say, we decide and determine as to the five points mentioned in article VI as to which our Award is to embrace a distinct decision upon each of them:

As to the first of the said five points, We, the said Baron DE COURCEL, Mr Justice HARLAN, Lord HANNEN, Sir JOHN THOMPSON, Marquis VISCONTI VENOSTA and Mr GREGERS GRAM, being a majority of the said Arbitrators, do decide and determine as follows:

By the Ukase of 1821, Russia claimed jurisdiction in the sea now known as the Behring's Sea, to the extent of 100 Italian miles from the coasts and islands belonging to her, but, in the course of the negociations which led to the conclusion of the Treaties of 1824 with the United States and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said sea should be restricted to the reach of cannon shot from shore, and it appears that, from that time up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring's Sea or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

As to the second of the said five points, We, the said Baron DE COURCEL, Mr Justice HARLAN, Lord HANNEN, Sir JOHN THOMPSON, Marquis VISCONTI VENOSTA and Mr GREGERS GRAM, being a majority of the said Arbitrators, do decide and determine that Great Britain did not recognize or concede any claim, upon the part of Russia, to exclusive jurisdiction as to the seal fisheries in Behring Sea, outside of ordinary territorial waters.

As to the third of the said five points, as to so much thereof as requires us to decide whether the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the Treaty of 1825 between Great Britain and Russia, We, the said Arbitrators, do unanimously decide and determine that the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean" as used in the said Treaty.

And as to so much of the said third point as requires us to decide what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after the said Treaty of 1825, We, the said Baron DE COURCEL, Mr. JUSTICE HARLAN, Lord HANNEN, Sir JOHN THOMPSON, Marquis VISCONTI VENOSTA and Mr. GREGERS GRAM, being a majority of the said Arbitrators, do decide and determine that no exclusive rights of jurisdiction in Behring Sea and no exclusive rights as to the seal fisheries therein, were held or exercised by Russia outside of ordinary territorial waters after the Treaty of 1825.

As to the fourth of the said five points, We, the said Arbitrators, do unanimously decide and determine that all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the Treaty between the United States and Russia of the 30th March 1867, did pass unimpaired to the United States under the said Treaty.

As to the fifth of the said five points, We, the said Baron DE COURCEL, Lord HENNEN, Sir JOHN THOMPSON, Marquis VISCONTI VENOSTA and M. GREGERS GRAM being a majority of the said arbi-

trators, do decide and determine that the United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit.

And whereas the aforesaid determination of the foregoing questions as to the exclusive jurisdiction of the United States mentioned in Article VI leaves the subject in such a position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the Tribunal having decided by a majority as to each Article of the following Regulations, We, the said Baron de Courcel, Lord Hannen, Marquis Visconti Venosta, and Mr. Gregers Gram, assenting to the whole of the nine Articles of the following Regulations, and being a majority of the said Arbitrators, do decide and determine in the mode provided by the Treaty, that the following concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary and that they should extend over the waters hereinafter mentioned, that is to say:

Article 1.

The Governments of the United States and of Great Britain shall forbid their citizens and subjects respectively to kill, capture or pursue at any time and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

Article 2.

The two Governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the 1st of May to the 31st of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring sea, which is situated to the North of the 35th degree of North latitude, and eastward of the 180th degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the Treaty of 1867 between the United States and Russia, and following that line up to Behring straits.

Article 3.

During the period of time and in the waters in which the fur seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Article 4.

Each sailing vessel authorised to fish for fur seals must be provided with a special license issued for that purpose by its Government and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5.

The masters of the vessels engaged in fur seal fishing shall enter accurately in their official log book the date and place of each fur seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, fire arms and explosives shall be forbidden in the fur seal fishing. This restriction shall not apply to shot guns when such fishing takes place outside of Behring's sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two Governments shall take measures to control the fitness of the men authorized to engage in fur seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain, and carrying on fur seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practised by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the Municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested Governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

And whereas the Government of Her Britannic Majesty did submit to the Tribunal of Arbitration by article VIII of the said Treaty

certain questions of fact involved in the claims referred to in the said article VIII, and did also submit to us, the said Tribunal, a statement of the said facts, as follows, that is to say:

"*Findings of fact proposed by the Agent of Great Britain and "agreed to as proved by the Agent for the United States, and sub-"mitted to the Tribunal of Arbitration for its consideration.*"

"1. That the several searches and seizures, whether of ships or "goods, and the several arrests of masters and crews, respectively "mentioned in the Schedule to the British Case, pages 1 to 60 inclu-"sive, were made by the authority of the United States Government. "The questions as to the value of the said vessels or their contents or "either of them, and the question as to whether the vessels mentioned "in the Schedule to the British Case, or any of them, were wholly or "in part the actual property of citizens of the United States, have "been withdrawn from and have not been considered by the Tri-"bunal, it being understood that it is open to the United States to "raise these questions or any of them, if they think fit, in any future "negotiations as to the liability of the United States Government "to pay the amounts mentioned in the Schedule to the British Case;

"2. That the seizures aforesaid, with the exception of the "Path-"finder" seized at Neah-Bay, were made in Behring Sea at the "distances from shore mentioned in the Schedule annexed hereto "marked "C";

"3. That the said several searches and seizures of vessels were "made by public armed vessels of the United States, the command-"ers of which had, at the several times when they were made, from "the Executive Department of the Government of the United States, "instructions, a copy of one of which is annexed hereto, marked "A" "and that the others were, in all substantial respects, the same: that "in all the instances in which proceedings were had in the District "Courts of the United States resulting in condemnation, such pro-"ceedings were begun by the filing of libels, a copy of one of which "is annexed hereto, marked "B", and that the libels in the other "proceedings were in all substantial respects the same: that the "alleged acts or offences for which said several searches and seizures "were made were in each case done or committed in Behring Sea "at the distances from shore aforesaid; and that in each case in "which sentence of condemnation was passed, except in those cases "when the vessels were released after condemnation, the seizure was "adopted by the Government of the United States: and in those "cases in which the vessels were released the seizure was made by "the authority the United States; that the said fines and imprison-"ments were for alleged breaches of the municipal laws of the "United States, which alleged breaches were wholly committed in "Behring Sea at the distances from the shore aforesaid:

"4. That the several orders mentioned in the Schedule annexed "hereto and marked "C" warning vessels to leave or not to enter "Behring Sea were made by public armed vessels of the United States "the commanders of which had, at the several times when they were "given, like instructions as mentioned in finding 3, and that the ves-"sels so warned were engaged in sealing or prosecuting voyages for "that purpose, and that such action was adopted by the Government "of the United States;

"5. That the District courts of the United States in which any pro-
"ceedings were had or taken for the purpose of condemning any ves-
"sel seized as mentioned in the Schedule to the Case of Great Britain,
"pages 1 to 60, inclusive, had all the jurisdiction and powers of
"Courts of Admiralty, including the prize jurisdiction, but that in
"each case the sentence pronounced by the Court was based upon the
"grounds set forth in the libel".

"ANNEX A.

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, April 21, 1886.*

"SIR:

"Referring to Department letter of this date, directing you to proceed with "the revenue-steamer *Bear*, under your command, to the seal Islands, etc., you "are hereby clothed with full power to enforce the law contained in the pro-"visions of Section 1956 of the United States' Revised Statutes, and directed to "seize all vessels and arrest and deliver to the proper authorities any or all "persons whom you may detect violating the law referred to, after due notice "shall have been given.

"You will also seize any liquors or fire-arms attempted to be introduced into "the country without proper permit, under the provisions of Section 1955 of "the Revised Statutes, and the Proclamation of the President dated 4th Febru-"ary, 1870."

"Respectfully yours,"
"Signed:
C. S. FAIRCHILD,"
"*Acting Secretary.*"

"Captain M. A. HEALY,
"*Commanding Revenue-Steamer Bear, San-Francisco, California.*"

"ANNEX B.

"In the District Court of the United States for the District of Alaska. August special term, 1886.

"To the Honourable LAFAYETTE DAWSON,
"*Judge of said District Court:*

"The libel of information of M. D. Ball, Attorney for the United States for "the District of Alaska, who prosecutes on behalf of said United States, and "being present here in Court in his proper person, in the name and on behalf "of the said United States, against the schooner *Thornton*, her tackle, apparel, "boats, cargo, and furniture, and against all persons intervening for their "interest therein, in a cause of forfeiture, alleges and informs as follows:

"That Charles A. Abbey, an officer in the Revenue marine Service of the "United States, and on special duty in the waters of the district of Alaska, "heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska "Territory, and in the waters thereof, and within the civil and judicial district "of Alaska, to wit, within the waters of that portion of Behring sea belonging "to the said district, on waters navigable from the sea by vessels of 10 or "more tons burden, seized the ship or vessel commonly called a schooner, the "*Thornton*, her tackle, apparel, boats, cargo, and furniture, being the property "of some person or persons to the said Attorney unknown, as forfeited to the "United States, for the following causes:

"That the said vessel or schooner was found engaged in killing fur-seal "within the limits of Alaska Territory, and in the waters thereof, in violation "of section 1956 of the Revised Statutes of the United States.

"And the said Attorney saith that all and singular the premises are and were "true, and within the Admiralty and maritime jurisdiction of this Court, and "that by reason thereof, and by force of the Statutes of the United States in "such cases made and provided, the afore-mentioned and described schooner "or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, "cargo, and furniture, became and are forfeited to the use of the said United "States, and that said schooner is now within the district aforesaid.

"Wherefore the said Attorney prays the usual process and monition of this "honourable Court issue in this behalf, and that all persons interested in the "before-mentioned and described schooner or vessel may be cited in general "and special to answer the premises, and all due proceedings being had, that "the said schooner or vessel, her tackle, apparel, boats, cargo, and furniture

"may, for the cause aforesaid, and others appearing, be condemned by the "definite sentence and decree of this honourable Court, as forfeited to the use "of the said United States, according to the form of the Statute of the said "United States in such cases made and provided.

"Signed: M. D. BALL,

"*United States District Attorney for the District of Alaska.*

"ANNEX C.

"The following Table shows the names of the British sealing-vessels seized "or warned by United States revenue cruizers 1886–1890, and the approximate "distance from land when seized. The distances assigned in the cases of the "*Carolena*, *Thornton* and *Onward* are on the authority of U. S. Naval Com- "mander Abbey (see 50th Congress, 2nd Session, Senate Executive Documents "N° 106, pp. 20, 30, 40). The distances assigned in the cases of the *Anna Beck*, "*W. P. Sayward*, *Dolphin* and *Grace* are on the authority of Captain Shepard "U. S. R. M. (*Blue Book*, United States N° 2, 1890.—pp. 80–82. See Appendix, "vol. III.)"

Name of vessel.	Date of seizure.	Approximate distance from land when seized.	United States vessel making seizure.
Carolena	August 1 1886	75 miles	Corwin.
Thornton	August 1 1886	70 miles	Corwin.
Onward	August 2 1886	115 miles	Corwin.
Favourite	August 2 1886	Warned by Corwin in about same position as Onward.	
Anna Beck	July 2 1887	66 miles	Rush.
W. P. Sayward	July 9 1887	59 miles	Rush.
Dolphin	July 12 1887	40 miles	Rush.
Grace	July 17 1887	96 miles	Rush.
Alfred Adams	August 10 1887	62 miles	Rush.
Ada	August 25 1887	15 miles	Bear.
Triumph	August 4 1887	Warned by Rush not to enter Behring Sea.	
Juanita	July 31 1889	66 miles	Rush.
Pathfinder	July 29,1889	50 miles	Rush.
Triumph	July 11 1889	Ordered out of Behring Sea by Rush. (?) As to position when warned.	
Black Diamond	July 11 1889	35 miles	Rush.
Lily	August 6 1889	66 miles	Rush.
Ariel	July 30 1889	Ordered out of Behring Sea by Rush.	
Kate	August 13 1889	Ditto.	
Minnie	July 15 1889	65 miles	Rush.
Pathfinder	March 27 1890	Seized in Neah Bay[a]	Corwin.

[a] Neah Bay is in the State of Washington, and the *Pathfinder* was seized there on charges made against her in the Behring Sea in the previous year. She was released two days later.

And whereas the Government of Her Britannic Majesty did ask the said Arbitrators to find the said facts as set forth in the said statement, and whereas the Agent and Counsel for the United States Government thereupon in our presence informed us that the said statement of facts was sustained by the evidence, and that they had agreed with the Agent and Counsel for Her Britannic Majesty that We, the Arbitrators, if we should think fit so to do might find the said statement of facts to be true.

Now, We, the said Arbitrators, do unanimously find the facts as set forth in the said statement to be true.

And whereas each and every question which has been considered by the Tribunal has been determined by a majority of all the Arbitrators;

Now We, Baron DE COURCEL, Lord HANNEN, Mr Justice HARLAN, Sir JOHN THOMPSON, Senator MORGAN, the Marquis VISCONTI VENOSTA and Mr GREGERS GRAM, the respective minorities not withdrawing their votes, do declare this to be the final Decision and Award in writing of this Tribunal in accordance with the Treaty.

Made in duplicate at Paris and signed by us the fifteenth day of August in the year 1893.

And We do certify this English Version thereof to be true and accurate.

ALPH. DE COURCEL
JOHN M. HARLAN
JOHN T. MORGAN
HANNEN
JNO S D THOMPSON
VISCONTI VENOSTA
G. GRAM.

DECLARATIONS MADE BY THE TRIBUNAL OF ARBITRATION AND REFERRED TO THE GOVERNMENTS OF THE UNITED STATES AND GREAT BRITAIN FOR THEIR CONSIDERATION.

I

The Arbitrators declare that the concurrent Regulations, as determined upon by the Tribunal of Arbitration, by virtue of article VII of the Treaty of the 29th of February 1892, being applicable to the high sea only, should, in their opinion, be supplemented by other Regulations applicable within the limits of the sovereignty of each of the two Powers interested and to be settled by their common agreement.

II

In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or at sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

Such a measure might be recurred to at occasional intervals if found beneficial.

III

The Arbitrators declare moreover that, in their opinion, the carrying out of the Regulations determined upon by the Tribunal of Arbitration, should be assured by a system of stipulations and measures to be enacted by the two Powers; and that the Tribunal must, in consequence, leave it to the two Powers to decide upon the means for giving effect to the Regulations determined upon by it.

We do certify this English version to be true and accurate and have signed the same at Paris this 15th day of August 1893.

ALPH DE COURCEL
JOHN M. HARLAN

I approve declarations I & III

HANNEN

I approve declarations I & III

JNO S D THOMPSON
JOHN T. MORGAN
VISCONTI VENOSTA
G. GRAM.

1892.

Convention for the Renewal of the Existing Modus Vivendi in Behring Sea.

Concluded April 18, 1892; ratification advised by the Senate April 19, 1892; ratified by the President April 22, 1892; ratifications exchanged May 7, 1892; proclaimed May 9, 1892.

Articles:

I. Prohibition by Great Britain.
II. Prohibition by United States.
III. Seizure of vessels.
IV. Right of visit.
V. Arbitration.
VI. Denunciation.
VII. Ratification.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN FOR THE RENEWAL OF THE EXISTING "MODUS VIVENDI IN BEHRING'S SEA.

Whereas by a Convention concluded between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the twenty-ninth day of February, one thousand eight hundred and ninety-two, the High Contracting Parties have agreed to submit to Arbitration, as therein stated, the questions which have arisen between them concerning the jurisdictional rights of the United States in the waters of Behring's Sea and concerning also the preservation of the fur-seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters; and whereas the High Contracting Parties, having differed as to what restrictive Regulations for seal-hunting are necessary, during the pendency of such Arbitration, have agreed to adjust such difference in manner hereinafter mentioned, and without prejudice to the rights of either party:

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following Articles:

Article I.

Her Majesty's Government will prohibit, during the pendency of the Arbitration, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. I of the Treaty

of 1867 between the United States and Russia, and will promptly use its best efforts to ensure the observance of this prohibition by British subjects and vessels.

ARTICLE II.

The United States Government will prohibit seal-killing for the same period in the same part of Behring's Sea, and on the shores and islands thereof, the property of the United States (in excess of seven thousand five hundred to be taken on the islands for the subsistence of the Natives), and will promptly use its best efforts to ensure the observance of this prohibition by United States citizens and vessels.

ARTICLE III.

Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the Nation to which they respectively belong, who alone shall have jurisdiction to try the offence and impose the penalties for the same. The witnesses and proof necessary to establish the offence shall also be sent with them.

ARTICLE IV.

In order to facilitate such proper inquiries as Her Majesty's Government may desire to make with a view to the presentation of the case and arguments of that Government before the Arbitrators, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or remain upon the Seal Islands during the sealing season for that purpose.

ARTICLE V.

If the result of the Arbitration be to affirm the right of British Sealers to take seals in Behring Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens and lessees) for this agreement to limit the island catch to seven thousand five hundred a season, upon the basis of the difference between this number and such larger catch as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal-herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

ARTICLE VI.

This Convention may be denounced by either of the High Contracting Parties at any time after the thirty-first day of October, one thousand eight hundred and ninety-three, on giving to the other Party two months notice of its termination; and at the expiration of such notice the Convention shall cease to be in force.

ARTICLE VII.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty: and the ratifications shall be exchanged either at Washington or at London as early as possible.

In faith whereof, We, the respective Plenipotentiaries have signed this Convention and have hereunto affixed our Seals.

Done in duplicate at Washington, this eighteenth day of April, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL]
JULIAN PAUNCEFOTE [SEAL]

1892.

TREATY FOR THE RECOVERY OF DESERTERS FROM MERCHANT VESSELS.

Concluded June 3, 1892; ratification advised by the Senate June 30, 1892; ratified by the President July 14, 1892; ratifications exchanged August 1, 1892; proclaimed August 1, 1892.

ARTICLES.

I. Arrests of deserting seamen.
II. Ratifications.
III. Duration.

Whereas the Governments of the United States of America and of Great Britain are desirous to make provision for the apprehension, recovery and restoration of persons who may desert from merchant vessels of their respective countries while in the ports of the other country, and to conclude a treaty for the above purpose, the High Contracting Parties have accordingly appointed as their Plenipotentiaries to conclude the said treaty, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G. C. M. G., K. C. B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers found in due and good form, have agreed upon the following articles.

ARTICLE I.

The Consuls General, Consuls, Vice-Consuls and Consular Agents of either of the High Contracting Parties, residing in the dominions,

possessions or colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery and restoration of seamen who may desert from any ship belonging to a citizen or subject of their respective countries, while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending or may be cognizable, shall have pronounced its sentence and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the citizens or subjects of the country where the desertion shall take place.

ARTICLE II.

The present Treaty shall be ratified and the ratifications shall be exchanged at Washington or at London without delay.

ARTICLE III.

The present Treaty shall come into operation at the expiration of thirty days from the date of the exchange of ratifications. It shall remain in force for five years after that date and thereafter until terminated by a twelve months' notice to be given by either High Contracting Party to the other.

In faith whereof, we, the respective Plenipotentiaries have signed this Treaty and have hereunto affixed our Seals.

Done in duplicate at Washington, this third day of June, one thousand eight hundred and ninety-two.

JAMES G. BLAINE [SEAL.]
JULIAN PAUNCEFOTE [SEAL.]

1892.

CONVENTION FOR DELIMITING BOUNDARIES NOT PERMANENTLY MARKED.

Concluded July 22, 1892; ratification advised by the Senate July 25, 1892; ratified by the President July 29, 1892; ratifications exchanged August 23, 1892; proclaimed August 26, 1892.

ARTICLES.

I. Commissions to survey Alaskan boundary.
II. Commission to mark the boundary in Passamaquoddy Bay.
III. Ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally desirous to provide for the removal of all possible cause of difference between their respective governments hereafter in regard to the delimitation of the existing boundary between the United States and Her Majesty's possessions in North America in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of treaties heretofore concluded; have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries;

The President of the United States, John W. Foster, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Honorable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain,

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

ARTICLE I.

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the Territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada, from the latitude of 54° 40′ North to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable there after to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint report to each of the two governments, and they shall also report, either jointly or severally, to each government on any points upon which they may be unable to agree.

Each government shall pay the expenses of the Commission appointed by it.

Each government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commisions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report or reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

ARTICLE II.

The High Contracting Parties agree that the Governments of the United States and of Her Britannic Majesty in behalf of the Dominion of Canada shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary line between the two countries in the waters of Passamaquoddy Bay in front of and

adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

ARTICLE III.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington the 22d day of July one thousand eight hundred and ninety-two.

JOHN W. FOSTER. [SEAL.]
MICHAEL H HERBERT [SEAL.]

1894.

CONVENTION EXTENDING THE TERMS OF THE ALASKAN BOUNDARY COMMISSIONS.

Concluded February 3, 1894; ratification advised by the Senate February 12, 1894; ratified by the President February 15, 1894; ratifications exchanged March 28, 1894; proclaimed March 28, 1894.

ARTICLES.

I. Term of commissions extended. | II. Ratification.

The Governments of the United States of America and of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being credibly advised that the labors of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between the United States and Her Majesty's possessions in North America in respect to such portions of said boundary line as may not in fact have been permanently marked in virtue of treaties heretofore concluded, can not be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary convention extending the term for a further period and for this purpose have named as their respective plenipotentiaries:

The President of the United States, Walter Q. Gresham, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G. C. B., G. C. M. G., Ambassador Extraordinary and Plenipotentiary of Great Britain;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

ARTICLE II.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington at the earliest practicable date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington, the 3d day of February, one thousand eight hundred and ninety-four.

[SEAL.] W. Q. GRESHAM
[SEAL.] JULIAN. PAUNCEFOTE

1896.

CONVENTION FOR THE SETTLEMENT OF CLAIMS PRESENTED BY GREAT BRITAIN AGAINST THE UNITED STATES IN VIRTUE OF THE CONVENTION OF FEBRUARY 19, 1892.

Concluded February 8, 1896; ratification advised by the Senate, with amendments, April 15, 1896; ratified by the President April 23, 1896; ratifications exchanged June 3, 1896; proclaimed June 11, 1896.

ARTICLES.

I. Reference of claims.
II. Commissioners; meeting.
III. Examination; determination.
IV. Secretary.
V. Failure to agree.
VI. Death of commissioner.
VII. Remuneration of commissioners.
VIII. Payment of award.
IX. Ratification.

Whereas by a Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on February 29, 1892, the questions which had arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, were submitted to a Tribunal of Arbitration as therein constituted;

And whereas the High Contracting Parties having found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, did, by Article VIII of the said Treaty, agree that either party might submit to the Arbitrators any questions of fact involved in said claims and ask for a finding

thereon, the question of the liability of either Government on the facts found to be the subject of further negotiation;

And whereas the Agent of Great Britain did, in accordance with the provisions of said Article VIII, submit to the Tribunal of Arbitration certain findings of fact which were agreed to as proved by the Agent of the United States, and the Arbitrators did unanimously find the facts so set forth to be true, as appears by the Award of the Tribunal rendered on the 15th day of August, 1893;

And whereas in view of the said findings of fact and of the decision of the Tribunal of Arbitration concerning the jurisdictional rights of the United States in Behring Sea and the right of protection or property of the United States in the fur-seals frequenting the islands of the United States in Behring Sea, the Government of the United States is desirous that in so far as its liability is not already fixed and determined by the findings of fact and the decision of said Tribunal of Arbitration, the question of such liability should be definitely and fully settled and determined, and compensation made, for any injuries for which, in the contemplation of the Treaty aforesaid, and the award and findings of the Tribunal of Arbitration compensation may be due to Great Britain from the United States;

And whereas it is claimed by Great Britain, though not admitted by the United States, that prior to the said award certain other claims against the United States accrued in favor of Great Britain on account of seizures of or interference with the following named British sealing vessels,—to wit, the "Wanderer," the "Winifred," the "Henrietta" and the "Oscar and Hattie," and it is for the mutual interest and convenience of both the High Contracting Parties that the liability of the United States, if any, and the amount of compensation to be paid, if any, in respect of such claims and each of them should also be determined under the provisions of this Convention—all claims by Great Britain under Article V of the Modus Vivendi of April 18, 1892, for the abstention from fishing of British sealers during the pendency of said arbitration having been definitely waived before the Tribunal of Arbitration:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, to the end of concluding a Convention for that purpose, have appointed as their respective Plenipotentiaries:

The President of the United States, the Honorable Richard Olney, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Julian Pauncefote, G. C. B., G. C. M. G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:

Article I.

The High Contracting Parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States and arising by virtue of the Treaty aforesaid, the award and the findings of the said Tribunal of Arbitration, as also the additional claims specified in the

5th paragraph of the preamble hereto, shall be referred to two Commissioners, one of whom shall be appointed by the President of the United States, and the other by her Britannic Majesty, and each of whom shall be learned in the law. Appended to this Convention is a list of the claims intended to be referred.

ARTICLE II.

The two Commissioners shall meet at Victoria, in the Province of British Columbia, Canada, as soon as practicable after the exchange of the ratifications of this Convention, and, after taking an oath that they will fairly and impartially investigate the claims referred to them and render a just decision thereon, they shall proceed jointly to the discharge of their duties.

The Commission shall also sit at San Francisco, California, as well as Victoria, provided either Commissioner shall so request if he shall be of opinion that the interests of justice shall so require, for reasons to be recorded on the minutes.

ARTICLE III.

The said Commissioners shall determine the liability of the United States, if any, in respect of each claim and assess the amount of compensation, if any, to be paid on account thereof—so far as they shall be able to agree thereon—and their decision shall be accepted by the two Governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said Commissioners is hereby empowered to administer or receive, every question of fact not found by the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same; and the Government of the United States shall have the right to raise the question of its liability before the Commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said Commission, when sitting at San Francisco or Victoria, shall have and exercise all such powers for the procurement or enforcement of testimony as may hereafter be provided by appropriate legislation.

ARTICLE IV.

The Commissioners may appoint a Secretary and a clerk or clerks to assist them in the transaction of the business of the Commission.

ARTICLE V.

In the cases, if any, in which the Commissioners shall fail to agree, they shall transmit to each Government a joint report stating in detail the points on which they differ, and the grounds on which their opinions have been formed; and any such difference shall be referred for final adjustment to an Umpire to be appointed by the two Governments jointly, or, in case of disagreement, to be nominated by the President of the Swiss Confederation at the request of the two Governments.

ARTICLE VI.

In case of the death, or incapacity to serve, from sickness or any other cause, of either of the two Commissioners, or of the Umpire, if any, his place shall be filled in the manner herein provided for the original appointment.

ARTICLE VII.

Each Government shall provide for the remuneration of the Commissioner appointed by it.

The remuneration of the Umpire, if one should be appointed, and all contingent and incidental expenses of the Commission, or of the Umpire, shall be defrayed by the two Governments in equal moieties.

ARTICLE VIII.

The amount awarded to Great Britain under this Convention on account of any claimant shall be paid by the Government of the United States to the Government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

ARTICLE IX.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington, the eighth day of February, 1896.

RICHARD OLNEY [SEAL]
JULIAN PAUNCEFOTE [SEAL]

APPENDIX OF CLAIMS.

Claims submitted to the Tribunal of Arbitration at Paris.

Name of vessel.	Date of seizure.	Approximate distance from land when seized.	United States vessel making seizure.
Carolina	Aug. 1,1886	75 miles	Corwin.
Thornton	Aug. 1,1886	70 miles	Corwin.
Onward	Aug. 2,1886	115 miles	Corwin.
Favorite	Aug. 2,1886	Warned by Corwin in about same position as Onward.	
Anna Beck	July 2,1887	66 miles	Rush.
W. P. Sayward	July 9,1887	59 miles	Rush
Dolphin	July 12,1887	40 miles	Rush.
Grace	July 17,1887	96 miles	Rush.
Alfred Adams	Aug. 10,1887	62 miles	Rush.
Ada	Aug. 25,1887	15 miles	Bear.
Triumph	Aug. 4,1887	Warned by Rush not to enter Behring Sea.	
Juanita	July 31,1889	66 miles	Rush.
Pathfinder	July 29,1889	50 miles	Rush.
Triumph	July 11,1889	Ordered out of Behring Sea by Rush—Query as to position when warned.	
Black Diamond	July 11,1889	35 miles	Rush.
Lily	Aug. 6,1889	66 miles	Rush.
Ariel	July 30,1889	Ordered out of Behring Sea by Rush.	
Kate	Aug. 13,1889	ditto	Rush.
Minnie	July 15,1889	65 miles	Rush.
Pathfinder	Mar. 27,1890	Seized in Neah Bay	Corwin.

Personal Claims	1886.
Personal Claims	1887.
Costs in Sayward Case.	

ADDITIONAL CLAIMS.

Wanderer	1887–89.
Winifred	1891.
Henrietta	1892.
Oscar and Hattie	1892.

The commissioners under the foregoing convention, on Dec. 17, 1897 rendered an award of $473,151.26 against the United States.

1898.

PROTOCOL OF THE CONFERENCES AT WASHINGTON IN MAY, 1898, PRELIMINARY TO THE APPOINTMENT OF A JOINT COMMISSION FOR THE ADJUSTMENT OF QUESTIONS AT ISSUE BETWEEN THE UNITED STATES AND GREAT BRITAIN, IN RESPECT TO THE RELATIONS OF THE FORMER WITH THE DOMINION OF CANADA.

At the first meeting of the conferees, held on the 25th day of May, were present:

On the part of Great Britain, His Excellency The Right Honorable Sir Julian Pauncefote, G. C. B., G. C. M. G., Her Britannic Majesty's ambassador at Washington, etc., and the Honorable Sir Louis Davies, K. C. M. G., minister of marine and fisheries of the Dominion of Canada; and

On the part of the United States, the Honorable John W. Foster, late Secretary of State of the United States, etc., and the Honorable John A. Kasson, special commissioner plenipotentiary, etc.

At this meeting the conferees considered and adopted the following declaration:

There is concurrence of views on both sides upon the following points:

I.

It is desirable that all controversies between the United States and Great Britain in respect to the Dominion of Canada should be amicably settled, to the end that their intercourse shall be established and maintained on the principles of a cordial friendship between coterminous neighbors.

II.

To accomplish this result it is expedient that each should communicate to the other, in outline, the modification of existing conditions, the concessions or adjustments which it believes ought to be made for the removal of grievances and for the improvement of its commercial or international relations with the other.

III.

That for the final consideration and adjustment of the questions so presented a joint commission, to consist of —— members, to be appointed by each of the Governments, should be created with plenipotentiary powers, whose conclusions shall be presented in the form of a convention or conventions between the two Governments.

IV.

In the meantime it is expedient that informal *pour parlers* should proceed, with a view to formulate the propositions to serve as bases

for the consideration and determination of the commission to be appointed as above suggested.

At the second meeting, held on the 26th day of May, the same conferees being present, the subjects which should be presented for the consideration and action of the proposed joint commission were presented and discussed. The number of members of which the commission should consist, and the place where the sessions of the commission should be held, were also considered.

The conferees on the part of the United States expressed their desire to consult the wishes of the Canadian government in respect to the place of meeting of the commission, and would not object to a convenient point in Canada, if this should be more agreeable to that government.

They further expressed the opinion that in view of the number and character of the questions before the commission, it should be composed of five representatives of each government.

The conferees on the part of Great Britain were apprehensive that so large a number might be conducive to debate and delay rather than to deliberation and decision.

Without concluding the consideration of the foregoing subjects, the meeting was adjourned until Friday, the 27th.

At the third meeting, held on Friday, May 27, the same conferees being present, the subjects discussed at the previous meeting were again under consideration, and the following statement of the subjects to be presented for the action of the joint commission was agreed upon:

In order to attain a complete concord in the relations between the United States and the Dominion of Canada, it is expedient to come to an agreement upon the following subjects:

First. The questions in respect to the fur seals in Bering Sea and the waters of the North Pacific Ocean.

Second. Provisions in respect to the fisheries off the Atlantic and Pacific coasts and in the inland waters of their common frontier.

Third. Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts if the commission shall so decide, or otherwise.

Fourth. Provisions for the transit of merchandise in transportation to or from either country across intermediate territory of the other, whether by land or water, including natural and artificial waterways and intermediate transit by sea.

Fifth. Provisions relating to the transit of merchandise from one country to be delivered at points in the other beyond the frontier.

Sixth. The question of the alien-labor laws applicable to the subjects or citizens of the United States and of Canada.

Seventh. Mining rights of the citizens or subjects of each country within the territory of the other.

Eighth. Such readjustment and concessions as may be deemed mutually advantageous, of customs duties applicable in each country to the products of the soil or industry of the other, upon the basis of reciprocal equivalents.

Ninth. A revision of the agreement of 1817 respecting naval vessels on the Lakes.

Tenth. Arrangements for the more complete definition and marking of any part of the frontier line, by land or water, where the same is now so insufficiently defined or marked as to be liable to dispute.

Eleventh. Provisions for the conveyance for trial or punishment of persons in the lawful custody of the officers of one country through the territory of the other.

Any other unsettled difference not included in the foregoing specifications may be considered and acted upon by mutual agreement of the commissioners representing the two Governments.

It was also understood that, so far as practicable and in accordance with the second paragraph of the declaration adopted at the first meeting, each Government should communicate to the other in advance of the meeting of the commission a memorandum of its views on each of the aforesaid subjects.

There was also a concurrence of opinion that each Government should defray the expenses of its own commissioners, and that any joint expenses incurred by order of the joint commission, and so certified, should be paid in equal moieties by the respective Governments.

And that the joint commission, when assembled, should be authorized to determine from time to time, in its discretion, the dates and places of its sessions.

The meeting was then adjourned until Saturday, the 28th.

At the fourth meeting, held on Saturday, May 28, the same conferees being present, upon the suggestion of Sir Louis Davies, the third clause in the statement of subjects to be submitted to the proposed commission, and relating to the Alaska-Canadian boundary, was amended by adding the following words at the end thereof: "by legal and scientific experts, if the commission shall so decide, or otherwise."

In that connection it was remarked by the conferees on the part of the United States that in their opinion the power of the commission to consider this method of adjustment already existed in the former terms, and that this addition neither enlarged nor restricted the powers already granted. They had, therefore, no objection to the amendment.

It was further agreed that each Government would have the power at any time after the appointment of its commissioners to fill any vacancy in its representation arising from any cause.

The British conferees desiring time to consult their Government touching the number of commissioners, and the time and place for the first meeting of the joint commission, it was agreed that these points should be settled by subsequent correspondence between the two Governments.

In the meantime the conferees of the United States concurred in the suggestion of the British conferees that Quebec might be named as a suitable city for the assembling of the commission.

The conference then adjourned until Monday, May 30.

At the fifth meeting, held on Monday, May 30, the same conferees being present, Sir Louis Davies renewed the question which had been mentioned at the meeting on Saturday of submitting to the proposed

commission the subject of reciprocity in wrecking and salvage rights and in the coasting trade, and urged, in accordance with instructions from the Canadian government, that they should be specifically referred for consideration to the proposed commission.

In reply, it was stated by the conferees on the part of the United States that in respect to wrecking they regarded that question as an "unsettled difference," which had been already discussed between the two Governments, and that it could properly come before the commission.

Thereupon it was distinctly understood by the conferees that the question of reciprocity in wrecking and salvage rights should be submitted to the proposed joint commission.

In respect to the coasting trade, the conferees on the part of the United States observed that this could hardly be considered a question in difference between the two Governments. Under existing instructions from their Government they did not feel at liberty to include it within the jurisdiction conferred upon the joint commission.

Having concluded the subjects before them for consideration, the conference then adjourned without date.

In verification of the foregoing protocol of their proceedings and conclusions, the conferees aforesaid have hereunto affixed their names in duplicate this 30th day of May, 1898, under reserve of the approval of their respective Governments.

JOHN A. KASSON. JOHN W. FOSTER.
JULIAN PAUNCEFOTE. L. H. DAVIES.

Pursuant to the above protocol, the following commissioners were appointed, namely, Messrs. Charles W. Fairbanks, George Gray, Nelson Dingley, John W. Foster, John A. Kasson, T. Jefferson Coolidge, and Charles J. Faulkner [a] on the part of the United States; and Baron Herschell, Sir Wilfred Laurier, Sir Richard Cartwright, Sir Louis Davies, Hon. John Charlton, and Hon. James Winter, on the part of Great Britain.

The convention met at Quebec, August 23, 1898.

President McKinley, in his annual message of 1899, said, "Much progress had been made by the commission toward the adjustment of many of these questions, when it became apparent that an irreconcilable difference of views was entertained respecting the delimitations of the Alaskan boundary. In the failure of an agreement as to the meaning of articles 3 and 4 of the treaty of 1825 between Russia and Great Britain, which defined the boundary between Alaska and Canada, the American commissioners proposed that the subject of the boundary be laid aside and that the remaining questions of difference be proceeded with, some of which were so far advanced as to assure the probability of a settlement. This being declined, by the British commissioner, an adjournment was taken until the boundary should be adjusted by the two Governments."

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[a] Appointed to fill the vacancy created by the resignation of Hon. George Gray.

1899.[a]

Convention as to Tenure and Disposition of Real and Personal Property.

Concluded March 2, 1899; ratification advised by the Senate March 22, 1900; ratified by the President July 16, 1900; ratifications exchanged July 28, 1900; proclaimed August 6, 1900.

Articles.

I. Disposition of real property.
II. Disposition of personal property.
III. Decease of property holder.
IV. Not applicable to colonies or possessions.
V. Most-favored-nation treatment.
VI. Duration.
VII. Ratification.
Accession of Colonies of Great Britain to convention.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to improve the condition of the citizens and subjects of each of the respective countries in relation to the tenure and disposition of real and personal property situated or being within the territories of the other, as well as to authorize the representation of deceased persons by the Consuls of their respective nations in the settlement of estates, have resolved to conclude a convention for those purposes and have named as their plenipotentiaries:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Julian Pauncefote, Knight Grand Cross of the Order of the Bath and of St. Michael and St. George, Ambassador Extraordinary and Plenipotentiary of Great Britain;

Who, having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

Article I.

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

Article II.

The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their

[a] See Supplementary Convention, page 776.

heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies shall be liable to pay in like cases.

ARTICLE III.

In case of the death of any citizen of the United States of America in the United Kingdom of Great Britain and Ireland, or of any subject of Her Britannic Majesty in the United States, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the Nation to which the deceased person belonged of the circumstance, in order that the necessary information may be immediately forwarded to persons interested.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are otherwise represented.

ARTICLE IV.

The stipulations of the present Convention shall not be applicable to any of the Colonies or foreign possessions of Her Britannic Majesty unless notice to that effect shall have been given, on behalf of any such Colony or foreign possession by Her Britannic Majesty's Representative at Washington to the United States Secretary of State, within one year from the date of the exchange of the ratifications of the present Convention.

It is understood that under the provisions of this Article, Her Majesty can in the same manner give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th of June, 1878, between Great Britain and Turkey.

The provisions of this Convention shall extend and apply to any territory or territories pertaining to or occupied and governed by the United States beyond the seas, only upon notice to that effect being given by the Representative of the United States at London, by direction of the treaty making power of the United States.

ARTICLE V.

In all that concerns the right of disposing of every kind of property, real or personal, citizens or subjects of each of the High Contracting Parties shall in the Dominions of the other enjoy the rights which are or may be accorded to the citizens or subjects of the most favored nation.

ARTICLE VI.

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in

force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of ten years, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

The United States or Her Britannic Majesty shall also have the right separately to terminate the present Convention at any time on giving twelve months' notice to that effect in regard to any British Colony, foreign possession, or dependency, as specified in Article IV, which may have acceded thereto.

ARTICLE VII.

The present Convention shall be duly ratified by the President of the United States, by and with the approval of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged in London or in Washington.

In faith whereof, we the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the second day of March, one thousand eight hundred and ninety-nine.

JOHN HAY [SEAL.]
JULIAN PAUNCEFOTE [SEAL.]

1902.

SUPPLEMENTARY CONVENTION AS TO TENURE AND DISPOSITION OF REAL AND PERSONAL PROPERTY.

Concluded January 13, 1902; ratification advised by Senate February 17, 1902; ratified by the President March 7, 1902; ratifications exchanged April 2, 1902; proclaimed April 2, 1902.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, finding it expedient to prolong for a period of twelve months the time fixed by Article IV of the Convention relative to the disposal of real and personal property, signed at Washington on the 2nd day of March, 1899, for the notification of their accession to that Convention by His Britannic Majesty's Colonies or Foreign Possessions, have agreed to conclude an additional Convention for that purpose, and have named as their plenipotentiaries:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and His Majesty the King of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, The Right Honorable Lord Pauncefote, of Preston, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; who, having communicated to each other their Full Powers, which were found to be in due and proper form, have agreed upon the following sole Article:

SOLE ARTICLE.

It is agreed that the time fixed in Article IV of the said Convention, within which the accessions thereto of His Britannic Majesty's Colonies or Foreign Possessions shall be notified, shall be prolonged for a period of twelve months from July 28th 1901.

In faith whereof the respective plenipotentiaries have signed this Convention and hereunto affixed their seals.

Done in duplicate at Washington, the 13th day of January, in the year of Our Lord one thousand nine hundred and two.

JOHN HAY [SEAL.]
PAUNCEFOTE [SEAL.]

[NOTE BY THE DEPARTMENT OF STATE.]

The following British colonies and possessions have acceded to the Convention between the United States and Great Britain of March 2, 1899, relating to the tenure and disposition of real and personal property:

Cape,
Fiji,
Jamaica,
Bahamas,
Trinidad,
Barbados.
Newfoundland,
New Zealand,
Leeward Islands,
Northern Nigeria,
South Nigeria,
St. Vincent,
St. Lucia,
Falkland Islands,
St. Helena,
Sierra Leone,
Gambia,
Labuan,
Mauritius,
Gold Coast Colony,
South Rhodesia,
Australia,
Cyprus,
Ceylon,
Hongkong,
Straits Settlements,
British Honduras,
Grenada,
North Borneo,
British Guiana,
Bermuda,
Lagos,
British New Guinea,
India, including the Native States,
Transvaal,
Orange River Colony,
Basutoland and Bechuanaland protectorates.

1899.

MODUS VIVENDI WITH GREAT BRITAIN, FIXING A PROVISIONAL BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE DOMINION OF CANADA ABOUT THE HEAD OF LYNN CANAL.

Concluded October 20, 1899.

It is hereby agreed between the Governments of the United States and of Great Britain that the boundary line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows without prejudice to the claims of either party in the permanent adjustment of the international boundary:

In the region of the Dalton Trail, a line beginning at the peak West of Porcupine Creek, marked on the map No. 10 of the United States Commission, December 31, 1895, and on Sheet No. 18 of the British Commission, December 31, 1895, with the number 6500; thence running to the Klehini (or Klaheela) River in the direction of the Peak north of that river, marked 5020 on the aforesaid United States map and 5025 on the aforesaid British map; thence following the high or right bank of the said Klehini river to the junction

thereof with the Chilkat River, a mile and a half, more or less, north of Klukwan,—provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers, into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and, subject to such reasonable regulations for the protection of the Revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak East of the Chilkat river, marked on the aforesaid map No. 10 of the United States Commission with the number 5410 and on the map No. 17 of the aforesaid British Commission with the number 5490.

On the Dyea and Skagway Trails, the summits of the Chilcoot and White Passes.

It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy.

The Government of the United States will at once appoint an officer or officers in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks.

1899.

Agreement by Exchange of Notes with Great Britain for the Protection of Trade-Marks in Morocco.

Concluded December 6, 1899.

Tangier, *October 9, 1895.*

Dr. J. J. Barclay,
U. S. Consul-General, Tangier.

Sir: The question of trade marks protection has, as you are aware, formed the subject of some correspondence between Her Majesty's Legation and yourself, and as the matter has again been referred to in a recent despatch, I have received from my Government, I should feel much obliged if you would kindly inform me whether you would be disposed to enter into a similar reciprocal arrangement as that concluded between the French and this Legation. I beg leave to transmit a copy of that arrangement; and trusting that you will see your way to coming to some mutual understanding, I have the honor to be, Sir,

Your obedient, humble servant,

(Signed) A. Nicolson.

[Translation.]

The Count d'Aubigny, Minister of France at Tangier, to Mr. Satow, Minister of Great Britain.

TANGIER, *4th June, 1894.*

Mr. MINISTER AND DEAR COLLEAGUE, By a letter of April 3, last, you have had the kindness to inform the Charge d'Affaires of France that the French Cousular authority in Morocco, has the right to prosecute through the British Consular authority everybody counterfeiting the French trade-marks, in receiving them on the following terms.

1st. That the registratiou of the French mark should have been effected in England, accordingly to the "merchandise marks act 1887"; 2nd. that protection on the same terms would be assured in Morocco by the French authority, to the English manufacturers. As Mr. Souhart has informed you though he was (persuaded) satisfied that the French Government was ready to graut the reciprocity in question, he thought it was his duty to refer to the Minister of Foreign Affairs. According to the reply that reached me, I am officially authorized to promise you reciprocity of treatment, and to lend on the same terms, my aid to the reclamations that the English manufacturers may have to address to the French Consular authority to obtain protection for their trade marks against French subjects.

I am Sir, (Signed) d'AUBIGNY.

TANGIER, *December 1st, 1899.*

To His Excellency SIR A. NICOLSON,
H. B. M's. Minister, etc. etc. Tangier.

SIR: I have the honor to inform Y. E. that I am in receipt of Instructions from my Government, authorizing me to enter into a reciprocal agreement with Y. E. for the mutual protection of Trade-Marks registered in Great Britain and the United States against infringement in Morocco by subjects of the respective nations on the lines of that existing between the British and French Legation at Tangier. I enclose for Y. E's. further information a copy of said Instructions.

I have the honor to be, Sir, your obedient servant,

(Signed) S. R. GUMMERE.
United States Consul-General.

BRITISH LEGATION, TANGIER.
4th December 1899.

SIR. I have the honour to acknowledge the receipt of your letter of the 1st instant informing me that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of Trade-Marks registered in Great Britain and in the United States against infringement in Morocco by the subjects of the respective nations.

I beg to thank you for this communication and to assure you that it affords me much satisfaction to enter into this reciprocal agreement, and that henceforth protection will be afforded by the British Consular Courts in Morocco to Trade-Marks of citizens of the United States, which have been duly registered in Great Britain in conformity with the Patents, Designs and Trade-Marks Acts 1883 to 1888.

I have the honour to be, sir, your obedient servant,

(Signed) A. NICOLSON.

Hon. S. R. GUMMERE,
United States Consul General, Tangier.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Tangier, December 6, 1899.

His Excellency, Sir A. NICOLSON,
H. B. M's. Minister etc. etc. Tangier.

SIR: I have the honor to acknowledge receipt of Your Excellency's letter of the 4th inst. and to thank you for the agreement, that henceforth protection will be afforded by the British Consular Courts in Morocco to Trade Marks of citizens of the United States, which have been duly registered in Great Britain in conformity with the Patents, Designs and Trade Marks Acts 1883 to 1888.

In reply, it gives me great pleasure to agree, on behalf of the Government of the United States, that henceforth Trade Marks of British citizens, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts of Morocco.

I am, Sir, your obedient servant

S. R. GUMMERÉ
United States Consul General.

1899.

CONVENTION BETWEEN UNITED STATES, GERMANY, AND GREAT BRITAIN RELATING TO SETTLEMENT OF SAMOAN CLAIMS.

November 7, 1899.

(For text of convention see Samoan Islands, page 1589.)

1899.

CONVENTION TO ADJUST THE QUESTIONS BETWEEN UNITED STATES, GREAT BRITAIN, AND GERMANY IN RESPECT TO THE SAMOAN ISLANDS.

December 2, 1899.

(For text of convention see Samoan Islands, page 1595.)

1900.

SUPPLEMENTARY EXTRADITION TREATY.

Concluded December 13, 1900; ratification advised by Senate March 8, 1901; ratified by President March 28, 1901; ratifications exchanged April 22, 1901; proclaimed April 22, 1901.

ARTICLES.

I. Extraditable crimes.
II. Extradition convention of July 12, 1899; ratification; duration.

The President of the United States of America and Her Majesty the Queen of Great Britain and Ireland, being desirous of enlarging the List of Crimes on account of which Extradition may be granted under the Convention concluded between the United States and Her Britannic Majesty on the 12th of July 1889, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States, the Honorable John Hay, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency the Right Honorable Lord Pauncefote, Knight Grand Cross of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I.

The following crimes are added to the list of crimes numbered 1 to 10 in the first Article of the said Convention of July 12, 1889, on account of which extradition may be granted, that is to say:

11. Obtaining money, valuable securities or other property by false pretenses.

12. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

13. Procuring abortion.

Article II.

The present Convention shall be considered as an integral part of the said Extradition Convention of July 12, 1889, and the first Article of the last mentioned Convention shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 11 to 13 in the first Article of the present Convention.

The present Convention shall be ratified and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the Laws of the High Contracting Parties and it shall continue and terminate in the same manner as the said Convention of July 12, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at Washington this 13th day of December, 1900.

JOHN HAY [SEAL.]
PAUNCEFOTE [SEAL.]

1901.

Treaty to Facilitate the Construction of a Ship Canal.

Concluded November 18, 1901; ratification advised by Senate December 16, 1901; ratified by President December 26, 1901; ratifications exchanged February 21, 1902; proclaimed February 22, 1902.

Articles.

I. Convention of April 19, 1850.
II. Construction of canal.
III. Rules of neutralization.
IV. Change of sovereignty.
V. Ratification.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed at their Plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honourable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following Articles:—

Article I.

The High Contracting Parties agree that the present Treaty shall supersede the afore-mentioned Convention of the 19th April, 1850.

Article II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or Corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present Treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Article III.

The United States adopts, as the basis of the neutralization of such ship canal, the following Rules, substantially as embodied in

the Convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this Article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all work necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this Treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

Article IV.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the High Contracting Parties under the present Treaty.

Article V.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective Plenipotentiaries have signed this Treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of Our Lord one thousand nine hundred and one.

JOHN HAY [SEAL.]
PAUNCEFOTE. [SEAL.]

1902.

TREATY AS TO IMPORT DUTIES IN ZANZIBAR.

Concluded May 31, 1902; ratification advised by Senate June 30, 1902; ratified by President July 22, 1902; ratifications exchanged October 17, 1902; proclaimed October 17, 1902.

ARTICLES.

I. Import duties.
II. Most favored nation treatment as to duties.
III. Most favored nation treatment as to commercial interests.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, have, for the purposes hereinafter stated, appointed their respective Plenipotentiaries, namely:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and

His Britannic Majesty, Arthur Stewart Raikes, Esquire, His Britannic Majesty's Chargé d'Affaires,

Who, after having communicated each to the other their respective full powers in good and due form, have agreed upon the following Articles:

ARTICLE I.

Recognizing that it is just and necessary to facilitate to that portion of the dominions of His Highness the Sultan of Zanzibar which is under the protection of Great Britain, and which is situated in the basin of the Congo, as defined by the General Act of the African Conference at Berlin of February 26th, 1885, the accomplishment of the obligations which it has contracted by virtue of the General Act of Brussels of July 2nd, 1890, the United States waives any objection on its part to the collection of import duties upon merchandise imported into that Protectorate.

The tariff of these duties, as provided in the Declaration of Brussels bearing the same date as the said General Act of Brussels, for the period of fifteen years next ensuing from that date, is not to exceed ten per centum of the value of the merchandise at the port of importation, except for spirits and for firearms and ammunition, which are regulated by the General Act of Brussels.

At the expiration of the said period of fifteen years, and in default of a new agreement, the United States will, with respect to this subject, be restored to the relations with the said Protectorate which ex-

isted prior to the Conclusion of this Convention, the right to impose thereafter import duties to a maximum of ten per centum upon merchandise imported into the said Protectorate remaining acquired to the latter so long only as it shall continue to comply with the conditions and limitations stated in this Convention.

ARTICLE II.

The United States shall enjoy in the said Protectorate as to import duties all the advantages accorded to the most favored nation.

Neither differential treatment nor transit duty shall be established in said Protectorate.

In the application of the tariff régime of the said Protectorate, the formalities and operations of commerce shall be simplified and facilitated so far as possible.

ARTICLE III.

Considering the fact that in Article I of this Convention the United States has given its assent under certain conditions to the establishment of import duties in that portion of the Dominions of His Highness the Sultan of Zanzibar which is under the protection of Great Britain, it is well understood that the said Protectorate assures to the flag, to the vessels, to the commerce, and to the citizens and inhabitants of the United States, in all parts of the territory of that Protectorate, all the rights, privileges and immunities concerning import and export duties, tariff régime, interior taxes and charges and, in a general manner, all commercial interests, which are or shall be accorded to the signatory Powers of the Act of Berlin, or to the most favored nation.

This Convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as may be and within twelve months from the date hereof.

Done in duplicate at Washington this thirty-first day of May, in the year of our Lord one thousand nine hundred and two.

JOHN HAY [SEAL.]
ARTHUR S RAIKES [SEAL.]

1903.

TREATY AS TO LIGHT AND HARBOR DUES IN ZANZIBAR.

Concluded June 5, 1903; ratification advised by Senate November 25, 1903; ratified by President December 8, 1903; ratifications exchanged December 24, 1903; proclaimed December 24, 1903.

ARTICLES.

I. Imposition of light and harbor dues.
II. Light houses; consent of powers.
III. Ratification.

Whereas it is provided by Article III of the Treaty of Amity and Commerce concluded September 21st 1833, between the United States of America and His Highness the Sultan of Muscat, which treaty

was accepted by His Highness the Sultan of Zanzibar after the separation of that state from the jurisdiction of Muscat, that vessels of the United States entering any ports of the Sultan's dominions shall pay no more than five per centum duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever;

And whereas no provision is made in the above mentioned treaty nor in any subsequent agreement for the payment of light and harbor dues in the dominions of His Highness the Sultan;

And whereas the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar are desirous, in the interest of commerce, of so amending the said Article III of the said Treaty of Amity and Commerce of September 21st 1833, as to permit the imposition of light dues at the rate of one anna upon every registered ton, with an added harbor due of one anna upon every registered ton, on vessels of the United States entering the ports in the islands of Zanzibar and Pemba;

Now, therefore, the High Contracting Parties have to that end resolved to conclude a convention, and have for this purpose appointed their plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty, The Right Honorable Sir Michael H. Herbert, G. C. M. G., C. B., His Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, having exhibited each to the other their respective full powers which were found to be in due and proper form, have agreed upon the following articles:

Article I.

It is understood and agreed between the High Contracting Parties that nothing contained in said Article III of the said Convention of September 21st 1833, shall be construed as preventing the imposition on and collection from vessels of the United States entering any port in the islands of Zanzibar and Pemba of a light due of one anna per registered ton and an added harbor due of one anna per registered ton, His Britannic Majesty, acting in the name of His Highness the Sultan of Zanzibar, engaging that the light and harbor dues so imposed and collected shall be applied to the construction and maintenance of lighthouses and buoys for the proper lighting of the coasts of the said islands.

Article II.

It is further understood and agreed between the High Contracting Parties that the consent of the United States to the imposition and collection of the light and harbor dues aforesaid is given on the conditions:—

1. That really adequate lighthouses are provided and maintained; also that lights shall be placed upon the buoys when required by American vessels entering or leaving the harbor of Zanzibar at night.

2. That accounts of the receipts and expenditures of the dues are carefully kept and published.

3. That provision be made for the reduction of the dues if they should hereafter become disproportionate to the expenditure.

4. That the consent of all the other Powers having treaties with Zanzibar be given to the imposition of the said light and harbor dues on their vessels, and that vessels of the United States be subject to no differential treatment.

ARTICLE III.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Britannic Majesty, and the ratifications shall be exchanged in the City of Washington as soon as practicable.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at the City of Washington, this fifth day of June, in the year one thousand nine hundred and three.

JOHN HAY [SEAL.]
MICHAEL H. HERBERT [SEAL.]

1903.

CONVENTION AS TO ALASKAN BOUNDARY.

Concluded January 24, 1903; ratification advised by Senate February 11, 1903; ratified by President February 24, 1903; ratifications exchanged March 3, 1093; proclaimed March 3, 1903.

ARTICLES.

I. Tribunal.
II. Procedure.
III. Treaties considered.
IV. Questions to be decided.
V. Meeting.
VI. Decision.
VII. Ratification.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the convention between Great Britain and Russia, signed under date of February 28/16, A. D. 1825, which clauses relate to the delimitation of the boundary line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a tribunal, and to that end have appointed their respective plenipotentiaries as follows:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty, The Right Honorable Sir Michael H. Herbert, K. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, after an exchange of their full powers which were found to be in good and due form, have agreed upon the following articles:

Article I.

A tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this convention. The tribunal shall consist of six impartial jurists of repute who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the tribunal and will decide thereupon according to his true judgment. Three members of the tribunal shall be appointed by the President of the United States, and three by His Britannic Majesty. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The tribunal may appoint a secretary and a bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its case. All expenses reasonably incurred by the tribunal in the performance of its duties shall be paid by the respective governments in equal moieties. The tribunal may, subject to the provisions of this convention, establish all proper rules for the regulation of its proceedings.

Article II.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence and all other evidence in writing or print on which each party relies, shall be delivered in duplicate to each member of the tribunal and to the agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this convention.

Within two months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each member of the tribunal, and to the agent of the other party, a counter-case and additional documents, correspondence and evidence in reply to the case, documents, correspondence and evi-

dence so presented by the other party. The tribunal may, however, extend this last mentioned period when in their judgment it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the case submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it, within thirty days after the delivery of the case, to furnish to the party applying for it a duly certified copy thereof; and either party may call upon the other, through the tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each party may present to the tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the tribunal that there is evidence pertinent to the case in the possession of either party, and which has not been produced, the tribunal may in its discretion order the production of the same by the party having control thereof.

It shall be the duty of each party through its agent or counsel, within two months from the expiration of the time limited for the delivery of the counter-case on both sides, to deliver in duplicate to each member of the said tribunal and to the agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the tribunal by oral argument of counsel. The tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either party a written, printed, or oral statement or argument upon the point; but in such case the other party shall have the right to reply thereto.

Article III.

It is agreed by the High Contracting Parties that the tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of 28/16 February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of March 30/18, A. D. 1867; and particularly the Articles III, IV, V, of the first mentioned treaty, which in the original text are word for word as follows:

"La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:

"A partir du Point le plus méridional de l'Ile dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et 133 me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terra ferme où

elle atteint le 56me degré latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest."

IV.

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent;

"1. Que l'Isle dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partoute où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

V.

"Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement soit sur la Côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dîtes limites."

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said treaty of 1825 the said tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of North latitude, following the crest of the mountains situated parallel to the coast until its inter-

section with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the Meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

Article V.

The tribunal shall assemble for their first meeting at London as soon as practicable after receiving their commissions; and shall themselves fix the times and places of all subsequent meetings.

The decision of the tribunal shall be made so soon as possible after the conclusion of the arguments in the case, and within three months thereafter, unless the President of the United States and His Britannic Majesty shall by common accord extend the time therefor. The decision shall be made in writing, and dated, and shall be signed by the members of the tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the agent of the United States of America for his government, and the other to the agent of His Britannic Majesty for his government.

Article VI.

When the High Contracting Parties shall have received the decision of the tribunal upon the questions submitted as provided in the foregoing articles, which decision shall be final and binding upon all parties, they will at once appoint, each on its own behalf, one or more scientific experts who shall with all convenient speed proceed together to lay down the boundary line, in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the tribunal to agree upon any of the points submitted for their decision, it

shall be their duty to so report in writing to the respective governments through their respective agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

Article VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected.

In faith whereof we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January, A. D. 1903.

John Hay [seal.]
Michael H. Herbert [seal.]

Decision of the Alaskan Boundary Tribunal under the Treaty of January 24, 1903, between the United States and Great Britain.

Whereas by a Convention signed at Washington on the 24th day of January 1903, by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States:

And whereas it was further agreed by the said Convention that the said Tribunal should consider in the settlement of the said questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February A D 1825 and between the United States of America and the Emperor of all the Russias, concluded under date of the 18th (30th) March A D 1867, and particularly the Articles III, IV and V of the first mentioned Treaty, and should also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of the said Treaties so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties.

And whereas it was further agreed by the said Convention, referring to Articles III, IV and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?
6. If the foregoing question should be answered in the negative and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast should the width of the *lisière*, which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?
7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G. C. M G. Lord Chief Justice of England, Sir Louis Amable Jetté K C M G Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth one of His Majesty's Counsel, and the President of the United States of America duly appointed the Honourable Elihu Root Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts and the Honourable George Turner of the State of Washington, to be members of the said Tribunal.

Now therefore we the Undersigned having each of us first subscribed an oath as provided by the said Convention and having taken into consideration the matters directed by the said Convention to be

considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows:—

In answer to the *first* question

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the *second* question

The Tribunal unanimously agrees that the Portland Channel is the Channel which runs from about 55° 56′ NL and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the Portland Channel after passing to the north of Wales Island is the channel between Wales Island and Sitklan Island called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the members of the Tribunal at the time of signing their decision.

In answer to the *third* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the *fourth* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the *fifth* question

A majority of the Tribunal, that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the answer to the above question is in the affirmative

Question five having been answered in the affirmative question *six* requires no answer.

In answer to the *seventh* question

A majority of the Tribunal that is to say Lord Alverstone, Mr Root, Mr Lodge and Mr Turner decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated and that between the points marked P (mountain marked S 8,000) on the north and the point marked T (mountain marked S 7,950) in the absence of further survey the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above written decision upon the questions submitted to us.

Signed in duplicate this twentieth day of October 1903.

ALVERSTONE.
ELIHU ROOT
HENRY CABOT LODGE
GEORGE TURNER

Witness
REGINALD TOWER:
Secretary.

1905.

Treaty Relinquishing Extraterritorial Rights in Zanzibar.

Concluded February 25, 1905; ratifications advised by the Senate March 8, 1905; ratified by the President May 12, 1905; ratifications exchanged June 12, 1905; proclaimed June 12, 1905.

Articles.

I. Relinquishment of extraterritorial rights.
II. Jurisdiction of British Courts
III. Ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, have, for the purposes hereinafter stated, appointed as their Plenipotentiaries, namely:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States of America; and

His Britannic Majesty, the Right Honorable Sir Henry Mortimer Durand, G. C. M. G., K. C. S. I., K. C. I. E., his Ambassador Extraordinary and Plenipotentiary near the Government of the United States;

Who, after having communicated each to the other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

The United States of America agrees to renounce in the British Protectorate of Zanzibar, and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which lies within the Protectorate of British East Africa, the extraterritorial rights secured to it by the treaty of September 21, 1833, between the United States and the Sultan of Muscat, and the treaty of July 3, 1886, between the United States and Zanzibar.

The jurisdiction exercised thereunder by consular courts of the United States in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, and all the exceptional privileges, exemptions, and immunities enjoyed by citizens of the United States as a part of or appurtenant to such jurisdiction, shall absolutely cease and determine. It being understood, however, that this renunciation shall not take effect until such time as the rights of extraterritoriality enjoyed in Zanzibar by other nations shall have been likewise renounced.

Article II.

In consideration of this renunciation by the United States of America, the Government of His Britannic Majesty agrees to empower the competent British courts which have been established in the British Protectorate of Zanzibar and in that part of the mainland dominions

of His Highness the Sultan of Zanzibar which is under British protection, to exercise jurisdiction over citizens of the United States the same as over British subjects and British protected persons, and that citizens of the United States shall have in and before said courts all the rights and privileges that belong and are accorded therein to British subjects and to British protected persons.

ARTICLE III.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at the City of Washington this twenty-fifth day of February, in the year of our Lord one thousand nine hundred and five.

JOHN HAY [SEAL.]
H M DURAND [SEAL.]

1905.

ALASKAN BOUNDARY.—EXCHANGE OF NOTES.—ACCEPTANCE OF THE REPORT OF THE COMMISSIONERS TO COMPLETE THE AWARD UNDER THE CONVENTION OF JANUARY 24, 1903, RESPECTING THE BOUNDARY LINE BETWEEN ALASKA AND THE BRITISH NORTH AMERICAN POSSESSIONS.

Agreement effected by exchange of notes, March 25, 1905.

DEPARTMENT OF STATE
Washington March 25, 1905

EXCELLENCY,—Referring to your note of October 1st, and Mr. Hay's reply of December 2d, 1904, in regard to the report by Messrs. O. H. Tittmann and W. F. King, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of our agreement between the United States and Great Britain for the formal acceptance of the recommendations of the Commissioners by an exchange of notes, I have the honor to state, by direction of the President, that the Government of the United States agrees with the Government of His Britannic Majesty that the part of the boundary between Alaska and Canada lying between the points P and T mentioned in the award of the Tribunal of 1903, shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical coordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility. Provided also that no such additional and intermediate peak shall be more than 2,500 meters from the

straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS.

The latitudes and longitudes are taken from, and refer to, the Maps numbers 10 and 12 of the surveys made by the British Commission under the Convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from Point P.

Points.	Latitude.	Longitude.	From.	to	Approximate Distances
Sheet 12	° ′ ″	° ′ ″			*Meters*
1	58 36 29	133 41 55	P	1	15,840
2	58 31 01	133 33 14	1	2	12,800
3	58 24 40	133 26 09	2	3	13,680
4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

Your acknowledgment of this communication, with a similar statement on behalf of the Government of His Majesty will complete the agreed Exchange of Notes and will confirm and give validity to the agreement reached by the Commissioners, thus completing the award of the London Tribunal under the Convention of January 24, 1903 as to the above-described part of the Alaska boundary.

Expressing the President's satisfaction at this settlement of the matter, I have the honor to be,

Your Excellency's obedient servant

ALVEY A. ADEE
Acting Secretary of State.

His Excellency
The Right Honble.
Sir H. M. DURAND, G. C. M. G., K. C. S. I., K. C. I. E.
etc etc etc.

BRITISH EMBASSY,
Washington, March 25th; 1905.

SIR, I have the honour to acknowledge the receipt of your note No. 187 of this date, in regard to the report by Messrs. W. F. King and O. H. Tittmann, the Commissioners appointed to carry out the delimitation of the Alaska Boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an agreement between Great Britain and the United States for the formal acceptance of the recommendations of the Commissioners by an exchange of notes.

By direction and on behalf of the Government of His Britannic Majesty, I have the honour to state that the Government of His Majesty agrees with the Government of the United States that the part of the boundary between Canada and Alaska lying between the points P and T mentioned in the award of the Tribunal of 1903, shall be defined, in accordance with the general principles laid down by

said Tribunal, by the summits whose geographical coordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility. Provided also that no such additional and intermediate peak shall be more than 2,500 meters from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:

TABLE SHOWING THE POSITIONS AND DISTANCES OF PEAKS.

The latitudes and longitudes are taken from, and refer to, the Maps numbers 10 and 12 of the surveys made by the British Commission under the Convention of 1892. The successive peaks are designated by consecutive numbers, counting southward from Point P.

Points.	Latitude.	Longitude.	From.	To.	Approximate Distances.
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4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

I am instructed to express the gratification of my Government that, by this Exchange of Notes, confirmation and validity are given to the agreement reached by the Commissioners, thus completing the award of the London Tribunal, under the Convention of January 24, 1903, as to the above-described part of the Alaska Boundary.

I have the honour to be,
With the highest consideration,
Sir,
Your most obedient,
humble Servant,
H M DURAND

The Honorable JOHN HAY,
Secretary of State, etc., etc., etc.

1905.

SUPPLEMENTARY EXTRADITION CONVENTION.

Concluded April 12, 1905; ratification advised by the Senate December 13, 1905; ratified by the President December 21, 1906; ratifications exchanged December 31, 1906; proclaimed February 12, 1907.

ARTICLES.

I. Extraditable crimes. | II. Ratification; duration.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the

British Dominions beyond the Seas, Emperor of India, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States, the Honourable Joseph Hodges Choate, Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty:

And his Britannic Majesty, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I.

The following crimes are added to the list of crimes numbered 1 to 10 in the Ist Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, that is to say:

14. Bribery, defined to be the offering, giving or receiving of bribes made criminal by the laws of both countries.

15. Offences, if made criminal by the laws of both countries, against bankruptcy law.

Article II.

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the Ist Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 14 and 15 in the Ist Article of the present Convention.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 12th day of April, 1905.

[L. S.] Joseph H. Choate.
[L. S.] Lansdowne.

1905.

Protection of Trade-marks in China.

Agreement effected by exchange of notes, June 28, 1905.

British Embassy,
Lenox, Mass., August 16, 1904.

Sir: Under an Order in Council of the 2nd February, 1899, it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—

(1) That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but

(2) Such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the State or Power of which such prosecutor is a subject.

By correspondence with the French, German and Italian representatives in London, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of citizens or subjects of those countries should they infringe British trade-marks, and the necessary information has been given to His Majesty's Representative in Peking and to the Representatives there of the three countries mentioned to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

I am instructed by His Majesty's Principal Secretary of State for Foreign Affairs to enquire whether the Government of the United States would be disposed to conclude a similar arrangement with His Majesty's Government.

I have the honour to be, with the highest consideration, sir, your most obedient, humble Servant,

(Signed) H M Durand

The Honourable John Hay,
Secretary of State, etc., etc., etc.

DEPARTMENT OF STATE.
Washington, September 23, 1904.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th ultimo inquiring whether this Government would be disposed to conclude with that of Great Britain an agreement providing for the punishment in the consular courts of the United States of American citizens infringing British trade-marks in China and for the punishment in the consular courts of Great Britain of British subjects infringing American trade-marks in China.

The Government of the United States is of the opinion that some arrangement of this sort would be advantageous to its citizens doing business in China, and is therefore willing to enter into such an agreement with regard to China as it already has with your Government for the reciprocal protection of trade-marks in Morocco. Under that agreement the American consular courts in Morocco protect British subjects against the infringement by American citizens in Morocco of such of their trade-marks as have been duly registered in the United States, and the British consular courts afford like protection to American citizens against the infringement by British subjects of such of their trade-marks as have been duly registered in Great Britain.

If this is satisfactory to your Government, the proposed agreement could be effected by an exchange of notes as in the case of Morocco.

I have the honor to be, with highest consideration, your excellency's most obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

His Excellency the Right Honorable
Sir H. M. DURAND, G. C. M. G., K. C. S. I., K. C. I. E.,
etc., etc., etc.

BRITISH EMBASSY,
Washington, April 10, 1905.

SIR, I communicated to His Majesty's Secretary of State for Foreign Affairs your note of September 23, 1904 relative to the proposed Agreement between His Majesty's Government and the United States Government for the mutual protection of British and American Trade Marks in China.

I am now in receipt of a despatch from Lord Landsdowne stating that His Majesty's Government agree in the proposal put forward in that note that an arrangement should be come to between the two Governments with regard to China, such as already exists between them for the reciprocal protection of Trade Marks in Morocco.

I am directed to inform you of the concurrence of His Majesty's Government in the proposal, and to add that the necessary instructions on the subject will be sent to His Majesty's Minister at Peking.

I have the honour to be, with high consideration, sir, your most obedient, humble servant,

H M DURAND

The Honourable FRANCIS B. LOOMIS,
Acting Secretary of State, etc., etc., etc.

DEPARTMENT OF STATE,
Washington, April 17, 1905.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 10th instant informing me of the concurrence of his Majesty's Government in the proposal made by this Department's note of September 23, 1904, that the agreement between the Government of the United States and that of His Britannic Majesty for the mutual protection of American and British trade-marks in China, be effected by an exchange of notes, as was done in the case of the reciprocal protection of trade-marks in Morocco, and that the necessary instructions on the subject would be sent to His Majesty's Minister at Peking.

In accordance with the understanding thus reached, instructions have this day been addressed to the American Minister at Peking directing him to effect the exchange of notes with His Majesty's Minister there.

I have the honor to be, with the highest consideration, your excellency's most obedient servant

(Signed) FRANCIS B. LOOMIS
Acting Secretary.

His Excellency the Right Honorable
Sir H. M. DURAND, G. C. M. G., K. C. S. I., K. C. I. E.,
etc., etc., etc.

AMERICAN LEGATION,
Peking, China, June 28, 1905.

MR. MINISTER AND DEAR COLLEAGUE: The Acting Secretary of State of the United States has informed me in an instruction dated April 17, 1905, that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of trade marks registered in the United States and Great Britain against infringement in China by the citizens or subjects of our respective nations, and he has given me authority to effect with you by an exchange of notes an agreement for the reciprocal protection of American and British trade marks in China.

In pursuance of the general agreement reached between our respective governments on the subject, it affords me much satisfaction to agree on behalf of the government of the United States, that henceforth trade marks of British subjects, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts in China, in which effectual provision exists for the punishment of such infringements by American citizens.

I have the honor to be, my dear colleague, your obedient servant,

(sgd.) W. W. ROCKHILL.

PEKING, *June 28, 1905.*

MR. MINISTER AND DEAR COLLEAGUE: I have the honour to acknowledge the receipt of your letter of this date, informing me that you

have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection of American and British trademarks.

I beg to thank you for this communication and to assure that it affords me much satisfaction to enter into this reciprocal agreement, and henceforth protection will be afforded in China by His Britannic Majesty's Supreme Court for China and Corea and the Provincial Courts to trademarks of citizens of the United States which have been duly registered in Great Britain in conformity with "The Patents, Designs, and Trademarks Acts, 1883 to 1888."

At the same time it appears necessary to mention that the consent in writing of His Majesty's Minister or Charge d'Affaires must be obtained on each occasion, which consent will be given as a matter of course in consequence of the assurance contained in your Note under reply that effectual provision exists for the punishment in the United States Consular Courts in China of infringement, by such persons as come under the jurisdiction of those Courts, of the trademarks of British subjects which shall have been duly registered in the United States of America.

I have the honour to be, sir, your obedient servant,

(Sgd) ERNEST SATOW.

His Excellency, the Honourable W. W. ROCKHILL,
etc., etc., etc.

1906.

ALASKAN BOUNDARY CONVENTION.

Concluded April 21, 1906; ratification advised by the Senate April 25, 1906; ratified by the President July 10, 1906; ratifications exchanged August 16, 1906; proclaimed August 21, 1906.

ARTICLES.

I. Appointment of Commissioners.
II. Marking of meridian.
III. Expenses.
IV. Reports.
V. Ratification.

Whereas by a treaty between the United States of America and His Majesty the Emperor of all the Russias, for the cession of the Russian possessions in North America to the United States, concluded March 30, 1867, the most northerly part of the boundary line between the said Russian possessions and those of His Britannic Majesty, as established by the prior convention between Russia and Great Britain, of February 28/16, 1825, is defined as following the 141st degree of longitude west from Greenwich, beginning at the point of intersection of the said 141st degree of west longitude with a certain line drawn parallel with the coast, and thence continuing from the said point of intersection, upon the said meridian of the 141st degree in its prolongation as far as the Frozen Ocean;

And whereas, the location of said meridian of the 141st degree of west longitude between the terminal points thereof defined in said treaty, is dependent upon the scientific ascertainment of conven-

ient points along the said meridian and the survey of the country intermediate between such points, involving no question of interpretation of the aforesaid treaties but merely the determination of such points and their connecting lines by the ordinary processes of observation and survey conducted by competent astronomers, engineers and surveyors;

And whereas such determination has not hitherto been made by a joint survey as is requisite in order to give complete effect to said treaties;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to provide for the surveying and marking out upon the ground of the said astronomical line established by existing treaties, and thus to remove any possible cause of difference between their respective governments in regard to the location of the said 141st meridian of West Longitude, have resolved to conclude a convention to that end, and for that purpose have appointed their respective plenipotentiaries:

The President of the United States of America, The Honorable Elihu Root, Secretary of State of the United States, and

His Britannic Majesty, The Right Honorable Sir H. Mortimer Durand, G. C. M. G., K. C. S. I., K. C. I. E., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following articles:

Article I.

Each Government shall appoint one Commissioner with whom may be associated such surveyors, astronomers and other assistants as each Government may elect.

The Commissioners shall at as early a period as practicable ascertain by the telegraphic method a convenient point on the 141st meridian of West Longitude and shall then proceed under their joint direction and by their joint operations in the field, to trace and mark so much of a north and south line passing through said point as is necessary to be defined for determining the exact boundary line as established by the said Convention of 28/16 February, 1825, between the possessions in America of His Britannic Majesty, and the adjacent possessions in America formerly belonging to His Majesty The Emperor of all the Russias and ceded to the United States by the said Treaty of 30th March, 1867.

Article II.

The location of the 141st meridian as determined hereunder shall be marked by intervisible objects, natural or artificial, at such distances apart as the Commissioners shall agree upon and by such additional marks as they shall deem necessary, and the line when and where thus marked, in whole or in part, and agreed upon by the Commissioners, shall be deemed to define permanently for all international purposes the 141st meridian mentioned in the treaty of February 28/16, 1825, between Great Britain and Russia.

The location of the marks shall be described by such views, maps and other means as the Commissioners shall decide upon, and duplicate records of these descriptions shall be attested by the Commissioners jointly and be by them deposited with their respective Governments, together with their final report hereinafter mentioned.

ARTICLE III.

Each Government shall bear the expenses incident to the employment of its own appointees and of the operations conducted by them, but the cost of material used in permanently marking the meridian, and of its transportation and erection in place, shall be borne equally and jointly by the two Governments.

ARTICLE IV.

The Commissioners shall diligently prosecute the work to its completion and they shall submit to their respective Governments from time to time, and at least once in every calendar year, a joint report of progress, and a final comprehensive report upon the completion of the whole work.

ARTICLE V.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible.

In faith whereof. we the respective plenipotentiaries have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington this twenty-first day of April, in the year of our Lord one thousand nine hundred and six.

ELIHU ROOT [SEAL.]
H M DURAND [SEAL.]

1906.[a]

MODUS VIVENDI BETWEEN THE UNITED STATES AND GREAT BRITAIN IN REGARD TO INSHORE FISHERIES ON THE TREATY COAST OF NEWFOUNDLAND.

Agreement effected by exchange of notes at London October 6–8, 1906.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY,
London, October 6th, 1906.

SIR, I am authorized by my Government to ratify a *modus vivendi* in regard to the Newfoundland Fishery Question on the basis of the Foreign Office Memorandum, dated the 25th of September 1906, in which you accept the arrangement set out in my Memorandum of the 12th of September and consent accordingly to the use of purse

[a] See renewals of modus vivendi concerning Newfoundland fisheries—1907, page 811; 1908, page 832; 1909, page 844.

seines by American fishermen during the ensuing season, subject of course to due regard being paid in the use of such implements to other modes of fishery, which, as you state, is only intended to secure that there shall be the same spirit of give and take and of respect for common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

My Government understand by this that the use of purse seines by American fishermen is not to be interfered with, and that the shipment of Newfoundlanders by American fishermen outside the 3 mile limit is not to be made the basis of interference or to be penalized; at the same time they are glad to assure His Majesty's Government, should such shipments be found necessary, that they will be made far enough from the exact 3 mile limit to avoid any reasonable doubt.

On the other hand it is also understood that our fishermen are to be advised by my Government, and to agree, not to fish on Sunday.

It is further understood that His Majesty's Government will not bring into force the Newfoundland Foreign Fishing Vessels Act of 1906 which imposes on American fishing vessels certain restrictions in addition to those imposed by the Act of 1905, and also that the provisions of the first part of Section I of the Act of 1905, as to boarding and bringing into port, and also the whole of Section 3 of the same Act, will not be regarded as applying to American fishing vessels.

It also being understood that our fishermen will gladly pay light dues if they are not deprived of their rights to fish, and that our fishermen are not unwilling to comply with the provisions of the Colonial Customs Law as to reporting at a custom house when physically possible to do so.

I need not add that my Government are most anxious that the provisions of the *modus vivendi* should be made effective at the earliest possible moment. I am glad to be assured by you that this note will be considered as sufficient ratification of the *modus vivendi*, on the part of my Government.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble Servant,

WHITELAW REID.

The Right Honble. SIR EDWARD GREY, Bt.,
Etc. Etc. Etc.

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *October 8th, 1906.*

YOUR EXCELLENCY, I have received with satisfaction the note of the 6th instant in which Your Excellency states that you have been authorized by your Government to ratify a *modus vivendi* in regard to the Newfoundland Fishery Question on the basis of the Memorandum which I had the honour to communicate to you on the 25th ultimo, and I am glad to assure Your Excellency that the note in question will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of the United States Government.

His Majesty's Government fully share the desire of your Government that the provisions of the *modus vivendi* should be made effective at the earliest moment possible and the necessary instructions for its observance were accordingly sent to the Government of Newfoundland immediately on receipt of Your Excellency's communication.

I have the honour to be, with the highest Consideration,
Your Excellency's most obedient, humble Servant,
(In the absence of the Secretary of State)
E. GORST.

His Excellency the Honourable WHITELAW REID,
Etc. Etc. Etc.

MEMORANDUM.

My Government hears with the greatest concern and regret that in the opinion of His Majesty's Government there is so wide a divergence of views with regard to the Newfoundland Fisheries that an immediate settlement is hopeless.

But it is much gratified with His Majesty's Government's desire to reach a *modus vivendi* for this season, and appreciates the readiness to waive the Foreign Fishing Vessels Act of 1906. This and other restrictive legislation had compelled our fishermen to use purse seines or abandon their treaty rights.

My Government sees in the offer not to apply Section 3, Act of 1905 and that part of Section 1 relating to boarding fishing vessels and bringing them into port fresh proof of a cordial disposition not to press unduly this kind of regulation.

Our fishermen will also gladly pay light dues, if not hindered in their right to fish. They are not unwilling either, to comply with the regulation to report at Custom Houses, when possible. It is sometimes physically impossible, however, to break through the ice for that purpose.

Most unfortunately the remaining proposals, those as to purse-seining and Sunday fishing, present very grave difficulties.

We appreciate perfectly the desire of His Majesty's Government to prevent Sunday fishing. But if both this and purse-seine fishing are taken away, as things stand there might be no opportunity for profitable fishing left under our treaty rights. We are convinced that purse seines are no more injurious to the common fishery than the gill nets commonly used—are not in fact so destructive and do not tend to change the migratory course of the herring as gill nets do, through the death of a large percentage of the catch and consequent pollution of the water.

The small amount of purse-seining this season could not of course materially affect the common fishery anyway. Besides many of our fishermen have already sailed, with purse seines as usual, and the others are already provided with them. This use of the purse seine was not the free choice of our fishermen. They have been driven to it by local regulations and the continued use of it at this late date this year seems vital.

But we will renounce Sunday fishing for this season if His Majesty's Government will consent to the use of purse seines, and we cannot too strongly urge an acceptance of this solution.

AMERICAN EMBASSY, LONDON.
September 12, 1906.

MEMORANDUM.

His Majesty's Government have considered, after consultation with the Government of Newfoundland, the proposals put forward in the Memorandum communicated by the United States Ambassador on the 12th instant, respecting the suggested "modus vivendi" in regard to the Newfoundland Fishery question.

They are glad to be able to state that they accept the arrangement set out in the above Memorandum and consent accordingly to the use of purse seines by United States fishermen during the ensuing season, subject, of course, to due regard being paid, in the use of such implements, to other modes of fishery.

His Majesty's Government trust that the United States Government will raise no objection to such a stipulation, which is only intended to secure that there shall be the same spirit of give and take and of respect of common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

They further hope that, in view of this temporary authorization of the purse seines, the United States Government will see their way to arranging that the practice of engaging Newfoundland fishermen just outside the three mile limit which to some extent prevailed last year should not be resorted to this year.

An arrangement to this effect would save both His Majesty's Government and the Newfoundland Government from embarrassment which it is conceived, having regard to the circumstances in which the "modus vivendi" is being settled, the United States Government would not willingly impose upon them. Moreover it is not in itself unreasonable, seeing that the unwillingness of the United States Government to forego the use of purse seines appears to be largely based upon the inability of their fishermen to engage local men to work the form of net recognized by the Colonial fishery regulations.

The United States Government assured His Majesty's late Government in November last that they would not countenance a specified evasion of the Newfoundland Foreign Fishing Vessels Act 1905, and the proposed arrangement would appear to be in accordance with the spirit which prompted that assurance.

FOREIGN OFFICE,
September 25, 1906.

1907.

PROTECTION OF PATENTS IN MOROCCO.

Agreement effected by Exchange of Notes

TANGIER, *February 4th, 1907.*

MR. MINISTER AND DEAR COLLEAGUE:

Referring to the correspondence which has taken place between our two Legations on the subject of the protection of Trade-Marks, I

have the honor to suggest to you the utility of extending to patents of inventions the arrangement which is in force with respect to Trade-Marks.

To this end I have the honor to inform you that protection will be accorded by the British consular tribunals in Morocco to American patents of inventions which have been duly registered in Great Britain in conformity with "Patents, Designs and Trade-Marks Acts 1883–1888", on condition that protection, under the same conditions will be assured in Morocco, by the American authorities, to English patents of invention.

Begging you to have the kindness to communicate to me your opinion on this subject, accept the assurances of my high consideration.

GERARD LOWTHER.

To His Excellency Mr. S. R. GUMMERÉ
American Minister, etc., etc., etc.,
Tangier.

TANGIER, *February 15th 1907.*

MR. MINISTER AND DEAR COLLEAGUE:

I have the honor to acknowledge the receipt of your letter of the 4th of February 1907, in which, referring to the correspondence which has taken place between our two Legations, on the subject of Trade-Marks, you set forth the utility of extending to patents of inventions the arrangement which is in force with respect to Trade-Marks.

To this end you inform me that protection will be accorded by the British Consular tribunals in Morocco to American patents of invention which have been duly registered in Great Britain in conformity with "Patents, Designs and Trade-Marks Acts 1883–1888", on condition that protection under the same conditions will be assured in Morocco by the American authorities to English patents of invention.

I have the honor to inform Y. E. that I have submitted to my Government your proposition regarding the extension to patents of invention the arrangement which is in force with respect to Trade-Marks and will at once inform you of their decision on the subject.

With apologies for delay in sending my response, occasioned by my illness, accept Mr. Minister and dear Colleague the assurances of my high consideration.

S. R. GUMMERÉ.

To His Excellency Mr. GERARD LOWTHER,
British Minister, etc., etc., etc.,
Tangier.

TANGIER, *April 29th 1907.*

MR. MINISTER AND DEAR COLLEAGUE:

Referring to our correspondence on the subject of the utility of extending to patents of invention the arrangement in force in Morocco between our two Governments regarding trade-marks, I have the honor to inform you that I have received instructions from my Government to the effect that protection by the Consular Courts

of the United States in Morocco will be accorded to British Patents of Invention, duly registered in the United States, on condition that protection under the same conditions shall be assured in Morocco by the British Authorities to American patents of invention.

Accept Mr. Minister and dear Colleague the assurance of my high consideration,

S. R. GUMMERÉ.

His Excellency Mr. GERARD LOWTHER,
H. B. M. Minister, etc., etc., etc.,
Tangier.

TANGIER, *June 20th 1907.*

MR. MINISTER AND DEAR COLLEAGUE:

In reply to your letter of April 29th, I have the honor to inform you that I am authorized by my Government to declare to you that protection will be accorded by the British Consular Tribunals in Morocco to the Patents of Inventions of the United States of America, which have been duly registered in England in conformity with the "Patents, Designs and Trade-Marks, Acts 1883 to 1902", and that I am prepared to give instructions to that effect to the British Consular Officers, to the end that the accord shall enter into force immediately. May I hope that Your Excellency will give similar instructions to the Consular officials of the United States of America.

I take this occasion, Mr. Minister and dear Colleague to renew the assurances of my very high consideration.

GERARD LOWTHER.

His Excellency Mr. S. R. GUMMERÉ,
Minister of the United States of America,
etc., etc., etc.,
Tangier.

TANGIER, *June 24th, 1907.*

MR. MINISTER AND DEAR COLLEAGUE:

I have the honor to acknowledge the receipt of your letter of the 20th of June informing me that you are authorized by your Government to declare that protection will be accorded by the British Consular Tribunals in Morocco to Patents of Invention of the United States of America, which have been duly registered in England, in conformity with the "Patents Designs and Trade-Marks, Acts 1883 to 1902", and that you are ready to give instructions to that effect to the British Consular Officials to the end that the accord shall be put in force at once.

I have the honor to inform Your Excellency that I am also authorized by my Government to declare to you that protection will be accorded by the American Consular Tribunals in Morocco to [British] Patents of Invention duly registered in the United States and that I will give instructions to that effect to the American Consular Officers to the end that the accord shall be entered into at once.

Pray accept, Mr. Minister and dear Colleague the assurance of my high consideration.

S. R. GUMMERÉ.

His Excellency Mr. GERARD LOWTHER,
H. B. M. Minister, etc., etc., etc.,
Tangier.

1907.[a]

MODUS VIVENDI BETWEEN THE UNITED STATES AND GREAT BRITAIN IN REGARD TO INSHORE FISHERIES ON THE TREATY COAST OF NEWFOUNDLAND.

Agreement effected by exchange of notes at London September 4–6, 1907.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY,
London, September 4, 1907.

SIR:—

I am authorized by my Government to ratify a *Modus Vivendi* in regard to the Newfoundland fishery question, as follows:

It is agreed that the fisheries shall be carried on during the present year substantially as they were actually carried on for the most of the time by mutual agreement, under the *Modus Vivendi* of 1906.

(1) It is understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of Section One of the act of 1905, as to boarding and bringing into port, and also the whole of Section three of the same act, will not be regarded as applying to American fishing vessels.

(2) In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the three-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this agreement, and also waives the right to fish on Sundays.

(3) It is understood that American fishing vessels will make their shipment of Newfoundlanders, as fishermen, sufficiently far from the exact three-mile limit to avoid reasonable doubt.

(4) It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the Colonial customs law as to reporting at a custom house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this *Modus Vivendi* should be made effective at the earliest possible moment, and that, in view of this, and of the actual presence of our fishing fleet on the treaty shore, we do not feel that an exchange of ratifications should be longer delayed. But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities consistent with the due safeguarding of treaty rights which we have enjoyed for nearly a century. If, therefore, the proposals you have recently shown me from the Premier of Newfoundland or any other changes in the above *Modus Vivendi* should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made and the voyage begun, my Government will be ready to consider such changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

[a] See modus vivendi 1908, p. 832.

I am glad to be assured by you that this note will be considered as sufficient ratification of the *Modus Vivendi* on the part of my Government.

I have the honor to be, with the highest consideration, Sir, Your most obedient humble servant,

WHITELAW REID.

The Right Honorable SIR EDWARD GREY, Baronet,
&c &c &c

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *September 6th, 1907*

YOUR EXCELLENCY. I have the honour to acknowledge the receipt of Your Excellency's note of the 4th instant, containing the terms of the *Modus Vivendi* with regard to the Newfoundland fisheries,—which you are authorized by your Government to ratify.

I am glad to assure your Excellency that His Majesty's Government agrees to the terms of the *Modus Vivendi* and that your Excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of His Majesty's Government.

His Majesty's Government fully shares the desire of your Government that the provisions of the *Modus Vivendi* should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government takes note of the conciliatory offer of the United States Government to consider in a most friendly spirit any changes in the *Modus Vivendi*, which may be agreed upon locally between the Newfoundland authorities and the United States fishermen and which may be acceptable both to the United States Government and to His Majesty's Government.

I have the honour to be, with the highest consideration, Your Excellency's most obedient humble servant,

E. GREY

His Excellency The Honorable WHITELAW REID,
&c &c &c

1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.[a]

Whereas the Government of His Britannic Majesty has entered into a Commercial Agreement with the United States providing for the application of the minimum rate under the third section of the Tariff Act of the United States approved July 24, 1897, to works of art, being the product of the industry of the United Kingdom, in return for the free admission of samples of dutiable goods brought into the territory of the United Kingdom by commercial travelers of the United States, by which Agreement, in the judgment of the President, reciprocal and equivalent concessions are secured in favor of products of the United States;

Therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by said Act of Congress, do hereby suspend during the continuance

[a] Terminated February 7, 1910, on notice given by the United States.

in force of said Agreement the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the industry of the United Kingdom of Great Britain and Ireland, and do declare in place thereof the rate of duty provided in the third section of said act to be in force, as follows:

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of December, in the year of our Lord one thousand nine hundred and seven, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

The Government of the United States of America and the Government of His Britannic Majesty, being desirous of facilitating and extending the commercial relations existing between their respective countries, but without prejudice to the views held by each of them as to the interpretation of the "most-favoured-nation" Article of the Convention of Commerce between the two countries signed at London on the 3rd July, 1815, mutually agree as follows:—

1. In order to facilitate the clearance through the Customs Department of the United Kingdom of samples of dutiable goods brought into the territory of the United Kingdom by commercial travellers of the United States of America, such samples being for use as models or patterns for the purpose of obtaining orders, and not for sale, His Majesty's Government agrees that the marks, stamps, or seals placed upon such samples by the Customs authorities of the United States of America at the time of exportation, and the officially attested list of such samples, containing a full description thereof issued by the proper authority, shall be accepted by the Customs officials of the United Kingdom as establishing their character as samples, and exempting them from inspection on importation, except so far as may be necessary to establish that the samples produced are those enumerated on the list. The Customs authorities of the United Kingdom may, however, affix a supplementary mark to such samples in special cases where they may think this precaution necessary.

2. The Government of the United States of America agrees to extend to the United Kingdom the special reduction of duty on paintings in oil or water colours, pastels, pen and ink drawings, and statuary, being the product of the industry of the United Kingdom, authorized under section 3 of the Tariff Act of the United States, approved the 24th July, 1897.

3. This agreement shall continue in force until six months from the date when either party shall notify the other of its intention to terminate it.

Done in duplicate at London, the 19th day of November, 1907.

[SEAL] WHITELAW REID.
[SEAL] E. GRAY.

1908.

Arbitration Convention.

Signed at Washington April 4, 1908; ratification advised by the Senate April 22, 1908; ratified by the President May 11, 1908; ratifications exchanged at Washington June 4, 1908; proclaimed June 5, 1908.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Ratification.
IV. Duration.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, desiring in pursuance of the principles set forth in Articles 15–19 of the Convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States, and

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, The Right Honorable James Bryce, O. M., who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

Article II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self governing Dominion of the British Empire to obtain the concurrence therein of the Government of that Dominion.

Such Agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

Article III.

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by his Britannic Majesty. The ratifications shall

be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE IV.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, this fourth day of April, in the year 1908.

ELIHU ROOT [SEAL]
JAMES BRYCE [SEAL]

1908.

TREATY CONCERNING THE CANADIAN INTERNATIONAL BOUNDARY.

Concluded April 11, 1908; ratification advised by the Senate May 4, 1908; ratified by the President May 11, 1908; ratifications exchanged June 4, 1908; proclaimed July 1, 1908.

ARTICLES.

I. Boundary through Passamaquoddy Bay.
II. Boundary from the mouth to the source of the St. Croix River.
III. Boundary from the source of the St. Croix to the St. Lawrence.
IV. Boundary from the St. Lawrence to the mouth of Pigeon River.
V. Boundary from Pigeon River to Lake of the Woods.
VI. Boundary from Lake of the Woods to the summit of Rocky Mountains.
VII. From Rocky Mountains to Gulf of Georgia.
VIII. From forty-ninth parallel to the Pacific Ocean.
IX. General provisions.
X. Ratification.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous of providing for the more complete definition and demarcation of the international boundary between the United States and the Dominion of Canada, have for that purpose resolved to conclude a treaty, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

THE BOUNDARY THROUGH PASSAMAQUODDY BAY.

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, and that in defining and marking said boundary line the Commissioners shall adopt and follow, as closely as may be, the line surveyed and laid down by the Commissioners appointed under Article II of the Treaty of July 22, 1892,

between the United States and Great Britain, so far as said Commissioners agreed upon the location of said line, namely:

(1) From a point at the mouth of the St. Croix River defined by the ranges established by them, by a connected series of six straight lines defined by ranges and cross ranges, to a point between Treat Island and Friar Head, likewise defined by ranges and cross ranges established by them; and also

(2) From a point in Quoddy Roads, defined by the intersection of the range passing through the position of the Beacon of 1886 and Lubec Channel Light, with a range established by them on the west shore of Quoddy Roads along the course of this latter range, which is about 80° 35′ east of true south, into the Bay of Fundy.

In ascertaining the location of the above-described line, the Commissioners shall be controlled by the indications of the range marks and monuments established along its course by said former Commissioners and by the charts upon which the said Commissioners marked the line as tentatively agreed upon by them.

The remaining portion of the line, lying between the two above-described sections, and upon the location of which said former Commissioners did not agree, shall pass through the center of the Lubec Narrows Channel between Campo Bello Island and the mainland, and, subject to the provisions hereinafter stated, it shall follow on either side of the said Narrows such courses as will connect with the parts of the line agreed upon as aforesaid, and such boundary shall consist of a series of straight lines defined by distances and courses; but inasmuch as differences have arisen in the past as to the location of the line with respect to Pope's Folly Island above Lubec Narrows and with respect to certain fishing grounds east of the dredged channel below Lubec Narrows, it is agreed that each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the treaties of 1783 and 1814 between the United States and Great Britain, and the award of the Commissioners appointed in that behalf under the treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning. Such agreement, if reached, shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall lay down and mark this portion of the boundary in accordance therewith and as herein provided.

In the event of a failure to agree within six months after the date of exchanging the printed statements aforesaid, the question of which Government is entitled to jurisdiction over such island and fishing grounds under treaty provisions, and proceedings thereunder, interpreted in accordance with their true intent and meaning as above provided, and by reason of any rights arising under the recognized principles of international law, shall be referred forthwith for decision upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and an

argument in reply on each side, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed that if, under the foregoing provisions, the boundary be located through the channel to the east of the dredged channel above mentioned, the latter shall be equally free and open for the passage of ships, vessels, and boats of both parties.

The entire boundary shall be marked by permanent range marks established on land and, if desirable in the opinion of Commissioners, by buoys in the water, so far as practicable, and by such other boundary marks and monuments and at such points as the Commissioners may determine to be necessary; but the said Commissioners shall proceed to define and mark and chart the portion of the line agreed upon by the former Commissioners under the Treaty of 1892 aforesaid without waiting for the final determination of the location of the remaining portion of the line.

The course of the said boundary line as defined and marked as aforesaid shall be laid down by said Commissioners on quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, which charts shall be certified and signed by the Commissioners, and two duplicate originals thereof shall be filed by them with each Government; and they shall also prepare in duplicate and file with each Government a joint report or reports under their hands and seals describing in detail the course and location of the boundary line and the range marks and monuments and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the Bay of Fundy to the mouth of the St. Croix River, as established by treaty provisions and the proceedings thereunder.

ARTICLE II.

THE BOUNDARY FROM THE MOUTH TO THE SOURCE OF THE ST. CROIX RIVER.

Whereas Article II of the Treaty of 1783 between the United States and Great Britain provides that a line drawn along the middle of the River St. Croix from its mouth in the Bay of Fundy to its source shall be, between those points, the international boundary between the United States and the British possessions in North America, and the identity of the River St. Croix has been determined by the Commissioners appointed for that purpose under Article V of the Treaty of 1794 between the United States and Great Britain, and the location of the mouth and the source of said river has been duly established, and the course of said river has been described, surveyed, and charted by said Commissioners, as appears from their joint report dated the 25th day of October, 1798, and from the chart or plan of

said river prepared and filed by them with said report, but said line of boundary along the middle of said river was not laid down by them on said chart or plan, and was not marked or monumented by them along the course of said river; and whereas, pursuant to an additional article, dated March 15, 1798, supplementing the provisions of the Treaty of 1794 above referred to, a monument was erected by joint action of the two Governments marking the source of the River St. Croix, but said line of boundary through the River St. Croix has not otherwise been monumented and has never been laid down on charts by joint action of the two Governments: therefore, in order to complete and render thoroughly effective the demarkation of the boundary described and established as aforesaid,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and the Commissioners so appointed shall jointly lay down upon accurate modern charts, to be prepared or adopted by them for that purpose, the line of boundary along the middle of the River St. Croix from its mouth to its source as defined and established by the existing treaty provisions and the proceedings thereunder, above referred to, with the agreed understanding, however, that the line of boundary through said river shall be a water line throughout and shall follow the center of the main channel or thalweg as naturally existing, except where such course would change, or disturb, or conflict with the national character of an island as already established by mutual recognition and acquiescence, in which case the line shall pass on the other side of any such island, following the middle of the channel nearest thereto, or, if the Commissioners find that the national character of any island is in dispute, the question of its nationality shall be submitted by them to their respective Governments, with a chart or map certified jointly by said Commissioners, showing the depth and volume of the water at its high and low stages between such island and the river banks on each side and indicating the course of the main channel of the river as it passes such island, together with a descriptive statement by said Commissioners showing the reasons for selecting such channel as the main channel; and in all such cases the High Contracting Parties agree that the location of the boundary with respect to each island in dispute shall be determined and settled in accordance with the following rules:

(1) The nationality of each island in dispute shall be determined by the predominance of the claims established on either side to such island, arising from the exercise of jurisdiction and sovereignty over it, including such exercise of jurisdiction by the local governments on either side of the line.

(2) The burden of proving the nationality of any such island shall be upon the party seeking to change the general course of the boundary as above prescribed so as to include such island on its own side of the boundary.

(3) The selection by the Commissioners of the main channel passing such island shall not be conclusive upon the parties hereto and is subject to review, but the burden of proving the main channel to be other than the one selected shall be upon the party proposing the change.

The Government proposing such change in the prescribed course of the boundary shall, upon the submission of the question of the nation-

ality of any island or islands by the Commissioners as aforesaid, promptly present to the other Government a printed statement, with certified copies of any original documents in its possession referred to therein, showing the grounds and arguments upon which its claim of jurisdiction and ownership with respect to such island rests. Unless an agreement is reached upon the presentation of such statement, the Government to which such statement is presented shall within six months after its receipt present in reply a similar statement showing the grounds and arguments upon which the claims of the other Government are contested. If an agreement is reached between the two Governments, it shall be reduced to writing in the form of a protocol and shall be communicated to the said Commissioners, who shall proceed to lay down and mark the boundary so as to leave such island on the side of the boundary to which it is shown it belongs, in accordance with the determination of its nationality arrived at as aforesaid.

In the event of a failure by the two Governments to come to an agreement within six months after the presentation of the printed statements in reply herein above provided for, then the question of the nationality of the islands in dispute shall be referred forthwith for decision under the rules herein above set forth for the determination of that question, and under the recognized principles of international law not inconsistent therewith, and upon the evidence and arguments submitted as aforesaid, with such additional statement of facts as may be appropriate, and such further printed argument on each side as may be desired, to an arbitrator to be agreed upon by the two Governments, or, in case of a failure to agree, to be appointed by a third Power selected by the two Governments by common accord, or, if no agreement is thus arrived at, each Government shall select a different Power and the choice of the arbitrator shall be made in concert by the Powers thus selected. The decision of such arbitrator shall be final, and the line shall be laid down and marked by the said Commissioners in accordance therewith and as herein provided.

The arbitrator shall be requested to deliver, together with his award, a statement of all the costs and expenses incurred by him in connection with the arbitration, which shall forthwith be repaid by the two Governments in equal moieties.

It is further agreed that so far as practicable the said Commissioners shall establish boundary monuments and ranges and buoys marking the course and location of the said line, and showing on which side of the boundary the several islands lying in said river belong, wherever in their judgment it is desirable that the boundary be so marked.

The charts upon which the boundary is marked as aforesaid shall be in quadruplicate, and shall be certified and signed by said Commissioners, and two duplicate originals thereof shall be filed by them with each Government, and it shall also be the duty of said Commissioners to prepare in duplicate, and file with each Government, a joint report under their hands and seals describing the line so marked by them and the monuments and range marks and buoys marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary from the mouth to the source of the St. Croix River as established by treaty provisions and the proceedings thereunder as aforesaid.

Article III.

THE BOUNDARY FROM THE SOURCE OF THE ST. CROIX RIVER TO THE ST. LAWRENCE RIVER.

Whereas the remonumenting of the course of the boundary defined and laid down under the provisions of Articles I and VI of the Treaty of August 9, 1842, between the United States and Great Britain has already been undertaken without a formal treaty agreement, but by the joint and concurrent action of the Governments of the United States and Great Britain, certain monuments between Vermont and Canada having been relocated in 1849, and the portion of said boundary extending between Hall's Stream and the St. Lawrence River in part having been remonumented in recent years and in part is now being remonumented under such action on both sides; and whereas the Commissioners appointed under Article VI of the Treaty of 1842 aforesaid were required to and did mark by monuments the land portion only of said line, and were not required to and did not mark by monuments the portions of the boundary extending along water courses, with the exception that the nationality of the several islands in the St. John River was indicated by monuments erected thereon and a series of monuments was placed by them along the edge of certain of the water courses to fix the general direction of the boundary, most of which monuments have since disappeared, but the entire boundary, including its course through the waterways as well as on land, was charted and marked on maps by said Commissioners under the provisions of Article VI above referred to, and the nationality of the respective islands in the St. John River was determined by them, as appears from the joint report filed by said Commissioners dated June 28, 1847, and the series of maps signed by said Commissioners and filed with their joint report; and whereas the portion of the line through said waterways has not since been monumented or marked along its course by joint action of the two Governments, and the monuments placed by said Commissioners along the land portion of said boundary require repairing and renewing where such work has not already been done in recent years, and additional or supplementary intermediate monuments at convenient points are required under modern conditions: therefore, in order to carry on and complete the work already undertaken as aforesaid, and to reestablish the location of said boundary and render thoroughly effective the demarcation of the said boundary as existent aid established,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners the lost or damaged boundary monuments shall be relocated and repaired, and additional monuments and boundary marks shall be established wherever necessary in the judgment of the Commissioners to meet the requirements of modern conditions along the course of the land portion of said boundary, and where the said boundary runs through waterways it shall be marked along its course, so far as practicable, by buoys and monuments in the water and by permanent ranges established on the land, and in such other way and at such points as

in the judgment of the Commissioners it is desirable that the boundary be so marked; and it is further agreed that the course of the entire boundary as described in Article I of the Treaty of 1842 and as laid down as aforesaid under Article VI of that Treaty, shall be marked by said Commissioners upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them, and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and laid down under Articles I and VI of the said Treaty of 1842.

Article IV.

THE BOUNDARY FROM ITS INTERSECTION WITH THE ST. LAWRENCE RIVER TO THE MOUTH OF PIGEON RIVER.

The High Contracting Parties agree that the existing International Waterways Commission, constituted by concurrent action of the United States and the Dominion of Canada and composed of three Commissioners on the part of the United States and three Commissioners on the part of the Dominion of Canada, is hereby authorized and empowered to ascertain and reestablish accurately the location of the international boundary line beginning at the point of its intersection with the St. Lawrence River near the forty-fifth parallel of north latitude, as determined under Articles I and VI of the Treaty of August 9, 1842, between the United States and Great Britain, and thence through the Great Lakes and communicating waterways to the mouth of Pigeon River, at the western shore of Lake Superior, in accordance with the description of such line in Article II of the Treaty of Peace between the United States and Great Britain, dated September 3, 1783, and of a portion of such line in Article II of the Treaty of August 9, 1842, aforesaid, and as described in the joint report dated June 18, 1822, of the Commissioners appointed under Article VI of the Treaty of December 24, 1814, between the United States and Great Britain, with respect to a portion of said line and as marked on charts prepared by them and filed with said report, and with respect to the remaining portion of said line as marked on the charts adopted as treaty charts of the boundary under the provisions of Article II of the Treaty of 1842, above mentioned, with such deviation from said line, however, as may be required on account of the cession by Great Britain to the United States of the portion of Horse Shoe Reef in the Niagara River necessary for the light-house erected there by the United States in accordance with the terms of the protocol of a conference held at the British Foreign Office December 9, 1850, between the representatives of the two Governments and signed by them agreeing upon such cession; and it is agreed that wherever the boundary is shown on said charts by a curved line along the water the Commissioners are authorized in their discretion to

adopt, in place of such curved line, a series of connecting straight lines defined by distances and courses and following generally the course of such curved line, but conforming strictly to the description of the boundary in the existing treaty provisions, and the geographical coordinates of the turning points of such line shall be stated by said Commissioners so as to conform to the system of latitudes and longitudes of the charts mentioned below, and the said Commissioners shall so far as practicable mark the course of the entire boundary line located and defined as aforesaid, by buoys and monuments in the waterways and by permanent range marks established on the adjacent shores or islands, and by such other boundary marks and at such points as in the judgment of the Commissioners it is desirable that the boundary should be so marked; and the line of the boundary defined and located as aforesaid shall be laid down by said Commissioners on accurate modern charts prepared or adopted by them for that purpose, in quadruplicate sets, certified and signed by the Commissioners, two duplicate originals of which shall be filed by them with each Government; and the Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of said line and the range marks and buoys marking it, and the character and location of each boundary mark. The majority of the Commissioners shall have power to render a decision.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established by treaty provisions and the proceedings thereunder as aforesaid from its intersection with the St. Lawrence River to the mouth of Pigeon River.

Article V.

THE BOUNDARY FROM THE MOUTH OF PIGEON RIVER TO THE NORTHWESTERNMOST POINT OF THE LAKE OF THE WOODS.

In order to complete and perfect the demarcation of the international boundary line between the United States and the Dominion of Canada from the mouth of Pigeon River, at the western shore of Lake Superior, to the northwesternmost point of the Lake of the Woods, which boundary is defined in Article II of the Treaty of Peace between the United States and Great Britain dated September 3, 1783, and in Article II of the Treaty of August 9, 1842, between the United States and Great Britain, wherein is defined also the location of the said northwesternmost point of the Lake of the Woods, and the greater part of the said boundary is marked on charts covering that section of the boundary adopted as treaty charts of the boundary under the provisions of Article II of the Treaty of 1842 aforesaid, but has never been actually located or monumented along its course by joint action of the two Governments, and no joint survey of its course has been made since the survey under the direction of the Commissioners appointed under Article VII of the Treaty of December 24, 1814, between the United States and Great Britain, under whose direction the charts above mentioned were prepared,

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as Commissioners, who shall reestablish and fix the actual location of said entire

boundary described and charted as aforesaid, and designate the side of the boundary upon which each island adjacent to the boundary belongs, it being mutually understood that the boundary, so far as practicable, shall be a water line and shall not intersect islands lying along its course, and the Commissioners shall so far as practicable mark such boundary along its course by monuments and buoys and range marks, and such other boundary marks as the Commissioners may determine, and at such points as in their judgment it is desirable that the boundary shall be so marked; and it is further agreed that the course of the entire boundary as described and laid down as aforesaid and as monumented by said Commissioners shall be marked by them upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose, and that said charts so marked shall be certified and signed by them and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report or reports describing in detail the course of the boundary so marked by them and the character and location of the several monuments and boundary marks and ranges marking it.

The line so defined and laid down shall be taken and deemed to be the international boundary as defined and established under the aforesaid treaties from the mouth of Pigeon River to the northwesternmost point of the Lake of the Woods.

Article VI.

THE BOUNDARY FROM THE NORTHWESTERNMOST POINT OF THE LAKE OF THE WOODS TO THE SUMMIT OF THE ROCKY MOUNTAINS.

In order to complete and render thoroughly effective the demarcation of the international boundary between the United States and the Dominion of Canada from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains, which boundary, according to existing treaties, runs due south from said northwesternmost point to the forty-ninth parallel of north latitude and thence along that parallel to the summit of the Rocky Mountains, and has been surveyed and charted and monumented as appears from the series of twenty-four sectional maps covering this portion of the boundary prepared and filed by the Joint Commission appointed for that purpose by joint action of the two Governments in 1872.

It is agreed that each of the High Contracting Parties shall appoint, without delay, an expert geographer or surveyor as a Commissioner, and under the joint direction of such Commissioners lost or damaged monuments along the course of said boundary shall be relocated and repaired and additional monuments and boundary marks shall be established wherever necessary, in the judgment of the Commissioners, to meet the requirements of modern conditions and to render more effective the demarcation of the existent boundary established under the treaty provisions and proceedings thereunder as aforesaid; and it is further agreed that in carrying out these provisions the said Commissioners shall observe the agreement stated in the protocol of the final meeting, dated May 29, 1876, of the Joint Commission aforesaid, which is as follows:

"2. In the intervals between the monuments along the parallel of latitude, it is agreed that the line has the curvature of a parallel of 49° north latitude; and that such characteristic shall determine all questions that may hereafter arise with reference to the position of the boundary at any point between neighboring monuments.

"3. It is further agreed that, in the event of any of the said three hundred and eighty-eight monuments or marks being obliterated beyond the power of recognition, the lost site or sites shall be recovered by their recorded position relatively to the next neighboring unobliterated mark or marks."

It is further agreed that the said Commissioners shall mark upon quadruplicate sets of accurate modern charts prepared or adopted by them for that purpose the entire course of said boundary and the location of the boundary monuments and marks established along the course of said boundary, and two duplicate originals thereof shall be filed with each Government, and said Commissioners shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and established by treaty provisions and the proceedings thereunder as aforesaid from the northwesternmost point of the Lake of the Woods to the summit of the Rocky Mountains.

Article VII.

THE BOUNDARY FROM THE SUMMIT OF THE ROCKY MOUNTAINS TO THE GULF OF GEORGIA.

Whereas, by concurrent action of the Government of the United States and the Government of Great Britain in 1902 and 1903, Commissioners were designated to act jointly for the purpose of renewing lost or damaged monuments and placing additional monuments where such were needed throughout the course of the boundary along the forty-ninth parallel of north latitude, from the summit of the Rocky Mountains westward to the eastern shore of the Gulf of Georgia, as defined in Article I of the treaty of June 15, 1846, between the United States and Great Britain and as marked by monuments along its course and laid down on a series of charts, seven in number, by a Joint Commission organized in 1858 for that purpose and composed of two Commissioners appointed one by each Government, which charts, duly certified and authenticated in duplicate by said Commissioners, were approved and adopted by the two Governments, as appears from the declaration in writing to that effect signed on February 24, 1870, at Washington by duly authorized Plenipotentiaries of the respective Governments, and it appearing that the remonumenting of this line by the Commissioners first above referred to is now approaching completion;

It is hereby agreed by the High Contracting Parties that when such work is completed the entire course of said boundary, showing the location of the boundary monuments and marks established along

the course of the boundary, shall be marked upon quadruplicate sets of accurate modern charts prepared or adopted for that purpose, and the said Commissioners, or their successors, are hereby authorized and required to so mark the line and designate the monuments on such charts, two duplicate originals of which shall be filed with each Government, and the said Commissioners, or their successors, shall also prepare in duplicate and file with each Government a joint report describing in detail the work done by them in replacing and repairing lost or damaged monuments and the character and location of the several monuments and boundary marks placed by them along said boundary.

The line so laid down and defined shall be taken and deemed to be the international boundary as defined and established by treaty provisions and the proceedings thereunder as aforesaid, from the summit of the Rocky Mountains to the eastern shore of the Gulf of Georgia.

Article VIII.

THE BOUNDARY FROM THE FORTY-NINTH PARALLEL TO THE PACIFIC OCEAN.

The High Contracting Parties agree that each shall appoint, without delay, an expert geographer or surveyor to serve as Commissioners for the purpose of delineating upon accurate modern charts, prepared or adopted by them for that purpose, the international boundary line between the United States and the Dominion of Canada from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of the Haro Channel and of Fuca's Straits to the Pacific Ocean, as defined in Article I of the Treaty of June 15, 1846, between the United States and Great Gritain, and as determined by the award made on October 21, 1872, by the Emperor of Germany as arbitrator pursuant to the provisions of Articles XXXIV–XLII of the Treaty of May 8, 1871, between the United States and Great Britain, and as traced out and marked on a quadruplicate set of charts prepared for that purpose and agreed upon and signed by the duly authorized representatives of the respective Governments, as appears from the protocol of a conference at Washington on March 10, 1873, between such representatives which was signed by them on that date, and as defined by them in a written definition of said boundary signed by them and referred to in and attached to said protocol, and it is agreed that the said Commissioners shall adopt in place of the curved line passing between Saturna Island and Patos Island as shown on said charts a straight line running approximately north and south through a point midway between the eastern point of Saturna Island and the western point of Patos Island and intersecting the prolongations of the two straight lines of the boundary now joined by a curved line. The entire line thus laid down shall consist of a series of connecting straight lines defined by distances and courses; and the Commissioners are authorized to select and establish such reference marks on shore as they may deem necessary for the proper definition and location on the water of the boundary aforesaid. A quadruplicate set of such charts, showing the lines so laid down and marked by them and the location of the several marks or monuments selected or

established by them along its course, shall be signed by them and two duplicate originals thereof shall be filed by them with each Government, and the Commissioners shall also prepare in duplicate and file with each Government a joint report, or reports, describing in detail the course of said line and the boundary marks and their location along its course.

The line so defined and laid down shall be taken and deemed to be the international boundary, as defined and established by treaty provisions and the proceedings thereunder as aforesaid, from the forty-ninth parallel of north latitude along the middle of the channel which separates Vancouver's Island from the mainland and the middle of Haro Channel and of Fuca's Straits to the Pacific Ocean.

Article IX.

GENERAL PROVISIONS.

The Commissioners appointed under the provisions of this Treaty shall proceed without delay to perform the duties assigned to them, but each Commissioner shall, before entering upon his duties, make oath in writing that he will impartially and faithfully perform his duties as such Commissioner.

In case a vacancy occurs in any of the Commissions constituted by this Treaty, by reason of the death, resignation, or other disability of a Commissioner, before the work of such Commission is completed, the vacancy so caused shall be filled forthwith by the appointment of another Commissioner by the party on whose side the vacancy occurs, and the Commissioner so appointed shall have the same powers and be subject to the same duties and obligations as the Commissioner originally appointed.

If a dispute or difference should arise about the location or demarcation of any portion of the boundary covered by the provisions of this Treaty and an agreement with respect thereto is not reached by the Commissioners charged herein with locating and marking such portion of the line, they shall make a report in writing jointly to both Governments, or severally each to his own Government, setting out fully the questions in dispute and the differences between them, but such Commissioners shall, nevertheless, proceed to carry on and complete as far as possible the work herein assigned to them with respect to the remaining portions of the line.

In case of such a disagreement between the Commissioners, the two Governments shall endeavor to agree upon an adjustment of the questions in dispute, and if an agreement is reached between the two Governments it shall be reduced to writing in the form of a protocol, and shall be communicated to the said Commissioners, who shall proceed to lay down and mark the boundary in accordance therewith, and as herein provided, but without prejudice to the special provisions contained in Articles I and II regarding arbitration.

It is understood that under the foregoing articles the same persons will be appointed to carry out the delimitation of boundaries in the several sections aforesaid, other than the section covered by Article IV, unless either of the Contracting Powers finds it expedient for some reason which it may think sufficient to appoint some other person to be Commissioner for any one of the above-mentioned sections.

Each Government shall pay the expenses of its own Commissioners and their assistants, and the cost of marking and monumenting the boundary shall be paid in equal moieties by the two Governments.

ARTICLE X.

This Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of April in the year of our Lord one thousand nine hundred and eight.

ELIHU ROOT [SEAL.]
JAMES BRYCE [SEAL.]

1908.

TREATY CONCERNING FISHERIES IN UNITED STATES AND CANADIAN WATERS.

Concluded April 11, 1908; ratification advised by the Senate April 17, 1908; ratified by the President May 11, 1908; ratifications exchanged June 4, 1908; proclaimed July 1, 1908.

ARTICLES.

I. International Fisheries Commission.
II. Duties of Commission.
III. Enforcement of regulations.
IV. Waters in which regulations applicable.
V. Duration of Commission.
VI. Duration of regulations.
VII. Ratification.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of the food fishes in the waters contiguous to the United States and the Dominion of Canada, have resolved to conclude a Convention for these purposes, and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having exchanged their full powers, found in due form, have agreed to and signed the following articles:

ARTICLE I.

The times, seasons, and methods of fishing in the waters contiguous to the United States and Canada as specified in Article IV of this

Convention, and the nets, engines, gear, apparatus, and appliances which may be used therein, shall be fixed and determined by uniform and common international regulations, restrictions, and provisions; and to that end the High Contracting Parties agree to appoint, within three months after this Convention is proclaimed, a Commission to be known as the International Fisheries Commission, consisting of one person named by each Government.

ARTICLE II.

It shall be the duty of this International Fisheries Commission, within six months after being named, to prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV of this Convention, which Regulations shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus, and other appliances; a uniform system of registry by each Government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the Commission shall deem necessary.

ARTICLE III.

The two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the Regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the President of the United States and the Governor-General of the Dominion of Canada in Council.

And it is further agreed that jurisdiction shall be exercised by either Government, as well over citizens or subjects of either party apprehended for violation of the Regulations in any of its own waters to which said Regulations apply, as over its own citizens or subjects found within its own jurisdiction who shall have violated said Regulations within the waters of the other party.

ARTICLE IV.

It is agreed that the waters within which the aforementioned Regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said River constitutes the International Boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay but including North Channel; (11) St. Mary's River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia and Puget Sound lying between the parallels of 48°

10′ and 49° 20′; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments. It is agreed on the part of Great Britain that the Canadian Government will protect by adequate regulations the food fishes frequenting the Fraser River.

The two Governments engage to have prepared as soon as practicable charts of the waters described in this Article, with the International Boundary Line indicated thereon; and to establish such additional boundary monuments, buoys, and marks as may be recommended by the Commission.

ARTICLE V.

The International Fisheries Commission shall continue in existence so long as this Convention shall be in force, and each Government shall have the power to fill, and shall fill from time to time, any vacancy which may occur in its representation on the Commission. Each Government shall pay its own Commissioner, and any joint expenses shall be paid by the two Governments in equal moieties.

ARTICLE VI.

The Regulations, restrictions, and provisions provided for in this Convention shall remain in force for a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the Government of the United States or of Great Britain shall give notice to the other of its desire for their revision; and immediately upon such notice being given the Commission shall proceed to make a revision thereof, which Revised Regulations, if adopted and promulgated by the President of the United States and the Governor-General of Canada in Council, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this Article. It shall, however, be in the power of the two Governments, by joint or concurrent action upon the recommendation of the Commission, to make modifications at any time in the Regulations.

ARTICLE VII.

The present Convention shall be duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 11th day of April, in the year of our Lord one thousand nine hundred and eight.

ELIHU ROOT [SEAL.]
JAMES BRYCE [SEAL.]

1908.

TREATY IN REFERENCE TO RECIPROCAL RIGHTS FOR UNITED STATES AND CANADA IN THE MATTERS OF CONVEYANCE OF PRISONERS AND WRECKING AND SALVAGE.

Concluded May 18, 1908; ratification advised by the Senate May 20, 1908; ratified by the President June 19, 1908; ratifications exchanged June 30, 1908; proclaimed July 10, 1908.

ARTICLES.

I. Conveyance of prisoners.
II. Wrecking and salvage.
III. Duration.
IV. Ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous to make provision for the conveyance of persons in lawful custody for trial or punishment either in the United States or the Dominion of Canada through the territory of the other, and for reciprocal rights in wrecking and salvage in the waters contiguous to the boundary between the United States and the Dominion of Canada, have for that purpose resolved to conclude a treaty, and to that end have appointed as their plenipotentiaries:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Honorable James Bryce, O. M., His Ambassador Extraordinary and Plenipotentiary at Washington;

who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

CONVEYANCE OF PRISONERS.

Any officer of the United States of America or of any state or territory thereof, having in his custody without the borders of Canada, by virtue of any warrant or any other lawful process issued by authority of the United States or of any state or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed within the jurisdiction of the United States or of any state or territory thereof, may, in executing such warrant or process, convey such person through any part of Canada to a place in the United States, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in Canada, or if the authority of the Minister of Justice of Canada for such conveyance is first obtained.

During such conveyance of such person through Canada, such officer may keep such person in his custody, and in case of escape may recapture him.

Any officer of the Dominion of Canada or of any province or territory thereof, having in his custody without the borders of the United

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States of America, by virtue of any warrant or any other lawful process issued by authority of the law of the Dominion or of any province or territory thereof, any person charged with or convicted of any of the criminal offences specified below, committed in Canada, may, in executing such warrant or process, convey such person through any part of the United States to a place in Canada, if such warrant or process is endorsed, or backed, by a judge, magistrate or justice of the peace in the United States, or if the authority of the Secretary of State of the United States for such conveyance is first obtained.

During such conveyance of such person through the United States, such officer may keep such person in his custody, and in case of escape may recapture him.

The foregoing provision shall apply only to persons charged with or convicted of offences of the following descriptions:

1. Offences for which extradition is at the time authorized by a treaty in force between the United States and Great Britain.
2. Assault with intent to commit grievous bodily harm.
3. Assault upon an officer of the law in the execution of his duty.

The United States and the Dominion of Canada may by concurrent legislation make further or other regulations for authenticating the warant or process under which the person in custody is to be conveyed, as before provided.

Article II

WRECKING AND SALVAGE.

The High Contracting Parties agree that vessels and wrecking appliances, either from the United States or from the Dominion of Canada, may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled or in distress in the waters or on the shores of the other country in that portion of the St. Lawrence River through which the International Boundary line extends, and, in Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, and Lake Superior, and in the Rivers Niagara, Detroit, St. Clair, and Ste Marie, and the Canals at Sault Ste Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific Coasts within a distance of thirty miles from the International Boundary on such Coasts.

It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the Customs, Coasting or other laws or regulations of either country shall restrict in any manner the salving operations of such vessels or wrecking appliances.

Vessels from either country employed in salving in the waters of the other shall, as soon as practicable afterwards, make full report at the nearest custom house of the country in whose waters such salving takes place.

Article III.

This Treaty shall remain in force for ten years after its date and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

ARTICLE IV.

This Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged in Washington as soon as possible.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the eighteenth day of May, in the year of our Lord one thousand nine hundred and eight.

ROBERT BACON [SEAL]
JAMES BRYCE [SEAL]

1908.[a]

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CONCERNING NEWFOUNDLAND FISHERIES.

Signed at London, July 15–23, 1908.

The British foreign office to the American Ambassador.

FOREIGN OFFICE, *July 15, 1908.*

YOUR EXCELLENCY, On the 18th ultimo Your Excellency proposed on behalf of the United States Government that, as arbitration in regard to the Newfoundland fisheries question could not be arranged before the forthcoming fishery season, the "modus vivendi" of last year should be renewed with the same elasticity as before for the parties concerned to make local arrangements satisfactory to both sides.

I have the honor to inform Your Excellency that the Newfoundland government, having been consulted on the subject, have expressed the desire that the herring fishery during the ensuing season should be commenced on the same principles as in the season of 1907, and formally undertake to permit during this year the conduct of the herring fishery as last year.

As the arrangements for last year were admittedly satisfactory to all concerned in the fishing, His Majesty's Government hope that the United States Government will see their way to accept this formal assurance on the part of the Newfoundland government as a satisfactory arrangement for the season of 1908. If this course be adopted it would seem unnecessary to enter into any further formal arrangements, seeing that the communication of this assurance to the United States Government and its acceptance by them would be tantamount to a modus vivendi.

I have the honor to be, with the highest consideration, your excellency's most obedient, humble servant,

For Sir EDWARD GREY,
LOUIS MALLET.

His excellency the Honorable Whitelaw Reid, etc., etc., etc.

The American ambassador to the British foreign office.

AMERICAN EMBASSY, *London, July 23, 1908.*

SIR, The reply, in your letter of July 15, 1908, to my proposal of June 18th, for a renewal of last year's modus vivendi for the ap-

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[a] See modus vivendi 1909, p. 844.

proaching Newfoundland fisheries season, with the same elasticity as before for local arrangements, has been duly considered.

I am gratified to learn that the Newfoundland Government was so well satisfied with the result of these arrangements under the modus vivendi for last year that it offers a formal undertaking that the American fishermen shall be permitted to conduct the herring fisheries this year in the same way.

It is proper to observe that our fishermen would have preferred last year, and would prefer now to work the fisheries with purse seines, as heretofore, as provided in the modus vivendi. But they yielded last year to the strong wishes of the Newfoundland Government in this matter, and joined in the arrangement under the elastic clause at the close of the modus vivendi by which, with the approval of the British and American Governments, they gave up the use of purse seines in return for certain concessions. I must reserve their right to this use, as heretofore enjoyed, as not now abandoned, and therefore to be duly considered in the pending arbitration before the Hague Tribunal.

But with this reservation and with the approval of my Government, I now have pleasure in accepting the offer that the herring fishery during the ensuing season shall be conducted on the same principles as in the season of 1907, and the formal undertaking against interference with this by the Newfoundland Government, as a substantial agreement on my proposal of June 18th.

We unite also with you in regarding this exchange of letters as constituting in itself a satisfactory agreement for the season of 1908, without the necessity for any further formal correspondence.

I am glad to add that Mr. Alexander of the United States Fish Commission, will be sent again this year to the treaty shore, and that my Government feels sure that, through his influence, there will be general willingness to carry out the spirit of the understanding, and work on the lines of least resistance.

I have the honor to be, with the highest consideration, Sir, your most obedient humble servant,

WHITELAW REID.

The right honorable Sir EDWARD GREY, Bart., etc., etc., etc.

[MODUS VIVENDI BETWEEN THE UNITED STATES AND GREAT BRITAIN IN REGARD TO INSHORE FISHERIES ON THE TREATY COAST OF NEWFOUNDLAND.[a]

AGREEMENT EFFECTED BY EXCHANGE OF NOTES AT LONDON SEPTEMBER 4–6, 1907.

The American ambassador to the British foreign office.

AMERICAN EMBASSY, *London, September 4, 1907.*

SIR: I am authorized by my Government to ratify a *Modus Vivendi* in regard to the Newfoundland fishery question, as follows:

It is agreed that the fisheries shall be carried on during the present year substantially as they were actually carried on for the most of the time by mutual agreement, under the *Modus Vivendi* of 1906.

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[a] Reprinted in State Department print of modus vivendi, 1908.

(1) It is understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of Section One of the act of 1905, as to boarding and bringing into port, and also the whole of Section three of the same act, will not be regarded as applying to American fishing vessels.

(2 In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the three-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this agreement, and also waives the right to fish on Sundays.

(3) It is understood that American fishing vessels will make their shipment of Newfoundlanders, as fishermen, sufficiently far from the exact three-mile limit to avoid reasonable doubt.

(4) It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the colonial customs law as to reporting at a custom house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this *Modus Vivendi* should be made effective at the earliest possible moment, and that, in view of this, and of the actual presence of our fishing fleet on the treaty shore, we do not feel that an exchange of ratifications should be longer delayed. But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities consistent with the due safeguarding of treaty rights which we have enjoyed for nearly a century. If, therefore, the proposals you have recently shown me from the Premier of Newfoundland or any other changes in the above *Modus Vivendi* should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made and the voyage begun, my Government will be ready to consider such changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

I am glad to be assured by you that this note will be considered as sufficient ratification of the *Modus Vivendi* on the part of my Government.

I have the honor to be, with the highest consideration, Sir, Your most obedient humble servant,

WHITELAW REID.

The Right Honorable Sir EDWARD GREY, Baronet, &c &c &c

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *September 6th, 1907.*

YOUR EXCELLENCY. I have the honour to acknowledge the receipt of Your Excellency's note of the 4th instant, containing the terms of the *Modus Vivendi* with regard to the Newfoundland fisheries,—which you are authorized by your Government to ratify.

I am glad to assure your Excellency that His Majesty's Government agrees to the terms of the *Modus Vivendi* and that your Excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of His Majesty's Government.

His Majesty's Government fully shares the desire of your Government that the provisions of the *Modus Vivendi* should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government takes note of the conciliatory offer of the United States Government to consider in a most friendly spirit any changes in the *Modus Vivendi* which may be agreed upon locally between the Newfoundland authorities and the United States fishermen and which may be acceptable both to the United States Government and to His Majesty's Government.

I have the honour to be, with the highest consideration, Your Excellency's most obedient humble servant,

E. GREY].

His excellency The Honorable WHITELAW REID, &c &c &c

1909.

Special Agreement, Submitting to Arbitration the North Atlantic Coast Fisheries.

Signed January 27, 1909; ratification advised by the Senate February 18, 1909; confirmed by exchange of notes March 4, 1909.

Articles.

I. Questions to be submitted.
II. Legislative or executive acts to be considered.
III. Commission of experts.
IV. Rules and method of procedure for future.
V. Tribunal to be chosen from Permanent Court, Hague.
VI. Pleadings; procedure.
VII. Copy of documents to be furnished.
VIII. Meeting of tribunal.
IX. Decision.
X. Revision of award.
XI. Ratification.

Special Agreement for the Submission of Questions Relating to Fisheries on the North Atlantic Coast under the General Treaty of Arbitration Concluded between the United States and Great Britain on the 4th day of April, 1908.

Article I.

Whereas, by Article I of the Convention signed at London on the 20th day of October, 1818, between the United States and Great Britain, it was agreed as follows:

Whereas differences have arisen respecting the Liberty claimed by the United States for the Inhabitants thereof, to take, dry and cure Fish on Certain Coasts, Bays, Harbours and Creeks of His Britannic Majesty's Dominions in America, it is agreed between the High Contracting Parties, that the Inhabitants of the said United States shall have forever, in common with the Subjects of His Britannic Majesty, the Liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks from Mount Joly on the Southern Coast of Labrador, to and through the Straits of Belleisle and thence Northwardly indefinitely along the Coast, without prejudice however, to any of the exclusive Rights of the Hudson Bay Company; and that the American Fishermen shall also have liberty forever, to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of the Southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any Portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous agreement for such purpose with the Inhabitants, Proprietors, or Possessors of the ground.—And the United States hereby renounce forever, any Liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure Fish on, or within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of Shelter and of repairing damages therein, of purchasing Wood, and of obtaining Water, and for no other purpose whatever. But they shall be under such Restrictions as may be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the Privileges hereby reserved to them.

And, whereas, differences have arisen as to the scope and meaning of the said Article, and of the liberties therein referred to, and other-

wise in respect of the rights and liberties which the inhabitants of the United States have or claim to have in the waters or on the shores therein referred to:

It is agreed that the following questions shall be submitted for decision to a tribunal of arbitration constituted as hereinafter provided:

Question 1. To what extent are the following contentions or either of them justified?

It is contended on the part of Great Britain that the exercise of the liberty to take fish referred to in the said Article, which the inhabitants of the United States have forever in common with the subjects of His Britannic Majesty, is subject, without the consent of the United States, to reasonable regulation by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or rules, as, for example, to regulations in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements to be used in the taking of fish or in the carrying on of fishing operations on such coasts; (3) any other matters of a similar character relating to fishing; such regulations being reasonable, as being, for instance—

(*a*) Appropriate or necessary for the protection and preservation of such fisheries and the exercise of the rights of British subjects therein and of the liberty which by the said Article I the inhabitants of the United States have therein in common with British subjects;

(*b*) Desirable on grounds of public order and morals;

(*c*) Equitable and fair as between local fishermen and the inhabitants of the United States exercising the said treaty liberty and not so framed as to give unfairly an advantage to the former over the latter class.

It is contended on the part of the United States that the exercise of such liberty is not subject to limitations or restraints by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or regulations in respect of (1) the hours, days, or seasons when the inhabitants of the United States may take fish on the treaty coasts, or (2) the method, means, and implements used by them in taking fish or in carrying on fishing operations on such coasts, or (3) any other limitations or restraints of similar character—

(*a*) Unless they are appropriate and necessary for the protection and preservation of the common rights in such fisheries and the exercise thereof; and

(*b*) Unless they are reasonable in themselves and fair as between local fishermen and fishermen coming from the United States, and not so framed as to give an advantage to the former over the latter class; and

(*c*) Unless their appropriateness, necessity, reasonableness, and fairness be determined by the United States and Great Britain by common accord and the United States concurs in their enforcement.

Question 2. Have the inhabitants of the United States, while exercising the liberties referred to in said Article, a right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States?

Question 3. Can the exercise by the inhabitants of the United States of the liberties referred to in the said Article be subjected, without the consent of the United States, to the requirements of

entry or report at custom-houses or the payment of light or harbor or other dues, or to any other similar requirement or condition or exaction?

Question 4. Under the provision of the said Article that the American fishermen shall be admitted to enter certain bays or harbors for shelter, repairs, wood, or water, and for no other purpose whatever, but that they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein or in any other manner whatever abusing the privileges thereby reserved to them, is it permissible to impose restrictions making the exercise of such privileges conditional upon the payment of light or harbor or other dues, or entering or reporting at custom-houses or any similar conditions?

Question 5. From where must be measured the "three marine miles of any of the coasts, bays, creeks, or harbors" referred to in the said Article?

Question 6. Have the inhabitants of the United States the liberty under the said Article or otherwise, to take fish in the bays, harbors, and creeks on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands, or on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands, or on the Magdalen Islands?

Question 7. Are the inhabitants of the United States whose vessels resort to the treaty coasts for the purpose of exercising the liberties referred to in Article I of the treaty of 1818 entitled to have for those vessels, when duly authorized by the United States in that behalf, the commercial privileges on the treaty coasts accorded by agreement or otherwise to United States trading vessels generally?

Article II.

Either Party may call the attention of the Tribunal to any legislative or executive act of the other Party, specified within three months of the exchange of notes enforcing this agreement, and which is claimed to be inconsistent with the true interpretation of the treaty of 1818; and may call upon the Tribunal to express in its award its opinion upon such acts, and to point out in what respects, if any, they are inconsistent with the principles laid down in the award in reply to the preceding questions; and each Party agrees to conform to such opinion.

Article III.

If any question arises in the arbitration regarding the reasonableness of any regulation or otherwise which requires an examination of the practical effect of any provisions in relation to the conditions surrounding the exercise of the liberty of fishery enjoyed by the inhabitants of the United States, or which requires expert information about the fisheries themselves, the Tribunal may, in that case, refer such question to a commission of three expert specialists in such matters; one to be designated by each of the Parties hereto, and the third, who shall not be a national of either Party, to be designated by the Tribunal. This Commission shall examine into and report their conclusions on any question or questions so referred to

it by the Tribunal and such report shall be considered by the Tribunal and shall, if incorporated by them in the award, be accepted as a part thereof.

Pending the report of the Commission upon the question or questions so referred and without awaiting such report, the Tribunal may make a separate award upon all or any other questions before it, and such separate award, if made, shall become immediately effective, provided that the report aforesaid shall not be incorporated in the award until it has been considered by the Tribunal. The expenses of such Commission shall be borne in equal moieties by the Parties hereto.

ARTICLE IV.

The Tribunal shall recommend for the consideration of the High Contracting Parties rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties above referred to may be determined in accordance with the principles laid down in the award. If the High Contracting Parties shall not adopt the rules and method of procedure so recommended, or if they shall not, subsequently to the delivery of the award, agree upon such rules and methods, then any differences which may arise in the future between the High Contracting Parties relating to the interpretation of the treaty of 1818 or to the effect and application of the award of the Tribunal shall be referred informally to the Permanent Court at The Hague for decision by the summary procedure provided in Chapter IV of The Hague Convention of the 18th of October, 1907.

ARTICLE V.

The Tribunal of Arbitration provided for herein shall be chosen from the general list of members of the Permanent Court at The Hague, in accordance with the provisions of Article XLV of the Convention for the Settlement of International Disputes, concluded at the Second Peace Conference at The Hague on the 18th of October, 1907. The provisions of said Convention, so far as applicable and not inconsistent herewith, and excepting Articles LIII and LIV, shall govern the proceedings under the submission herein provided for.

The time allowed for the direct agreement of the President of the United States and His Britannic Majesty on the composition of such Tribunal shall be three months.

ARTICLE VI.

The pleadings shall be communicated in the order and within the time following:

As soon as may be and within a period not exceeding seven months from the date of the exchange of notes making this agreement binding the printed case of each of the Parties hereto, accompanied by printed copies of the documents, the official correspondence, and all other evidence on which each Party relies, shall be delivered in duplicate (with such additional copies as may be agreed upon) to the agent of the other Party. It shall be sufficient for this purpose

if such case is delivered at the British Embassy at Washington or at the American Embassy at London, as the case may be, for transmission to the agent for its Government.

Within fifteen days thereafter such printed case and accompanying evidence of each of the Parties shall be delivered in duplicate to each member of the Tribunal, and such delivery may be made by depositing within the stated period the necessary number of copies with the International Bureau at The Hague for transmission to the Arbitrators.

After the delivery on both sides of such printed case, either Party may, in like manner, and within four months after the expiration of the period above fixed for the delivery to the agents of the case, deliver to the agent of the other Party (with such additional copies as may be agreed upon), a printed counter-case accompanied by printed copies of additional documents, correspondence, and other evidence in reply to the case, documents, correspondence, and other evidence so presented by the other Party, and within fifteen days thereafter such Party shall, in like manner as above provided, deliver in duplicate such counter-case and accompanying evidence to each of the Arbitrators.

The foregoing provisions shall not prevent the Tribunal from permitting either Party to rely at the hearing upon documentary or other evidence which is shown to have become open to its investigation or examination or available for use too late to be submitted within the period hereinabove fixed for the delivery of copies of evidence, but in case any such evidence is to be presented, printed copies of it, as soon as possible after it is secured, must be delivered, in like manner as provided for the delivery of copies of other evidence, to each of the Arbitrators and to the agent of the other Party. The admission of any such additional evidence, however, shall be subject to such conditions as the Tribunal may impose, and the other Party shall have a reasonable opportunity to offer additional evidence in rebuttal.

The Tribunal shall take into consideration all evidence which is offered by either Party.

Article VII.

If in the case or counter-case (exclusive of the accompanying evidence) either Party shall have specified or referred to any documents, correspondence, or other evidence in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party shall demand it within thirty days after the delivery of the case or counter-case respectively, to furnish to the Party applying for it a copy thereof; and either Party may, within the like time, demand that the other shall furnish certified copies or produce for inspection the originals of any documentary evidence adduced by the Party upon whom the demand is made. It shall be the duty of the Party upon whom any such demand is made to comply with it as soon as may be, and within a period not exceeding fifteen days after the demand has been received. The production for inspection or the furnishing to the other Party of official governmental publications, publishing, as authentic, copies of the documentary evidence referred to, shall be a sufficient compliance with such demand, if such gov-

ernmental publications shall have been published prior to the 1st day of January, 1908. If the demand is not complied with, the reasons for the failure to comply must be stated to the Tribunal.

ARTICLE VIII.

The Tribunal shall meet within six months after the expiration of the period above fixed for the delivery to the agents of the case, and upon the assembling of the Tribunal at its first session each Party, through its agent or counsel, shall deliver in duplicate to each of the Arbitrators and to the agent and counsel of the other party (with such additional copies as may be agreed upon) a printed argument showing the points and referring to the evidence upon which it relies.

The time fixed by this Agreement for the delivery of the case, counter-case, or argument, and for the meeting of the Tribunal, may be extended by mutual consent of the Parties.

ARTICLE IX.

The decision of the Tribunal shall, if possible, be made within two months from the close of the arguments on both sides, unless on the request of the Tribunal the Parties shall agree to extend the period.

It shall be made in writing, and dated and signed by each member of the Tribunal, and shall be accompanied by a statement of reasons.

A member who may dissent from the decision may record his dissent when signing.

The language to be used throughout the proceedings shall be English.

ARTICLE X.

Each Party reserves to itself the right to demand a revision of the award. Such demand shall contain a statement of the grounds on which it is made and shall be made within five days of the promulgation of the award, and shall be heard by the Tribunal within ten days thereafter. The Party making the demands shall serve a copy of the same on the opposite Party, and both Parties shall be heard in argument by the Tribunal on said demand. The demand can only be made on the discovery of some new fact or circumstance calculated to exercise a decisive influence upon the award and which was unknown to the Tribunal and to the Party demanding the revision at the time the discussion was closed, or upon the ground that the said award does not fully and sufficiently, within the meaning of this Agreement, determine any question or questions submitted. If the Tribunal shall allow the demand for a revision, it shall afford such opportunity for further hearings and arguments as it shall deem necessary.

ARTICLE XI.

The present Agreement shall be deemed to be binding only when confirmed by the two Governments by an exchange of notes.

In witness whereof this Agreement has been signed and sealed by the Secretary of State of the United States, Elihu Root, on behalf of

the United States, and by His Britannic Majesty's Ambassador at Washington, The Right Honorable James Bryce, O. M., on behalf of Great Britain.

Done at Washington on the 27th day of January, one thousand nine hundred and nine.

ELIHU ROOT [SEAL.]
JAMES BRYCE [SEAL.]

DEPARTMENT OF STATE,
Washington, January 27, 1909.

EXCELLENCY: In order to place officially on record the understanding already arrived at by us in preparing the special agreement which we have signed today for the submission of questions relating to fisheries on the North Atlantic Coast under the general Treaty of Arbitration concluded between the United States and Great Britain on the fourth day of April, 1908, I have the honor to declare on behalf of the Government of the United States that Question 5 of the series submitted, namely, "From where must be measured the 'three marine miles of any of the coasts, bays, creeks, or harbors' referred to in the said Article" is submitted in its present form with the agreed understanding that no question as to the Bay of Fundy, considered as a whole apart from its bays or creeks, or as to innocent passage though the Gut of Canso is included in this question as one to be raised in the present Arbitration; it being the intention of the parties that their respective views or contentions on either subject shall be in no wise prejudiced by anything in the present Arbitration.

I have the honor to be, with the highest respect, Your Excellency's most obedient servant,

ELIHU ROOT

His Excellency The Right Honorable
JAMES BRYCE, O. M.,
Ambassador of Great Britain.

BRITISH EMBASSY,
Washington, January 27, 1909.

SIR, I have the honour to acknowledge your note of to-day's date and in reply have to declare on behalf of His Majesty's Government, in order to place officially on record the understanding already arrived at by us in preparing the special Agreement which we have signed to-day for the submission of questions relating to fisheries on the North Atlantic Coast under the general Treaty of Arbitration concluded between Great Britain and the United States on the 4th day of April, 1908, that Question 5 of the series submitted, namely, "From where must be measured the 'three marine miles of any of the coasts, bays, creeks or harbours' referred to in the said Article" is submitted in its present form with the agreed understanding that no question as to the Bay of Fundy, considered as a whole apart from its bays and creeks, or as to innocent passage through the Gut of Canso is included in this question as one to be raised in the present

arbitration; it being the intention of the parties that their respective views or contentions on either subject shall be in no wise prejudiced by anything in the present arbitration.

I have the honour to be, With the highest consideration, Sir, your most obedient, humble Servant,

JAMES BRYCE

The Honourable ELIHU ROOT,
etc., etc., etc.,
Secretary of State.

DEPARTMENT OF STATE,
Washington, February 21, 1909.

EXCELLENCY: I have the honor to inform you that the Senate, by its resolution of the 18th instant, gave its advice and consent to the ratification of the Special Agreement between the United States and Great Britain, signed on January 27, 1909, for the submission to the Permanent Court of Arbitration at The Hague of questions relating to fisheries on the north Atlantic Coast.

In giving this advice and consent to the ratification of the Special Agreement, and as a part of the act of ratification, the Senate states in the resolution its understanding—"that it is agreed by the United States and Great Britain that question 5 of the series submitted, namely, 'from where must be measured the three marine miles of any of the coasts, bays, creeks or harbors referred to in said Article?' does not include any question as to the Bay of Fundy, considered as a whole apart from its bays or creeks, or as to innocent passage through the Gut of Canso, and that the respective views or contentions of the United States and Great Britain on either subject shall be in no wise prejudiced by anything in the present arbitration, and that this agreement on the part of the United States will be mentioned in the ratification of the special agreement and will, in effect, form part of this special agreement."

In thus formally confirming what I stated to you orally, I have the honor to express the hope that you will in like manner formally confirm the assent of His Majesty's Government to this understanding which you heretofore stated to me orally, and that you will be prepared at an early day to exchange the notes confirming the Special Agreement as provided for therein and in the general arbitration convention of June 5, 1908.

I have the honor to be, with the highest consideration, Your Excellency's most obedient servant,

ROBERT BACON

His Excellency The Right Honorable
JAMES BRYCE, O. M.,
Ambassador of Great Britain.

BRITISH EMBASSY,
Washington, March 4, 1909.

SIR, I have the honour to acknowledge the receipt of your note informing me that the Senate of the United States has approved the

Special Agreement for the reference to arbitration of the questions relating to the fisheries on the North Atlantic Coast and of the terms of the Resolution in which that approval is given.

It is now my duty to inform you that the Government of His Britannic Majesty confirms the Special Agreement aforesaid and in so doing confirms also the understanding arrived at by us that Question V of the series of Questions submitted for arbitration, namely from where must be measured the "three marine miles of any of the coasts, bays, creeks, or harbours" referred to in the said article, is submitted in its present form with the agreed understanding that no question as to the Bay of Fundy considered as a whole apart from its bays or creeks, or as to innocent passage through the Gut of Canso, is included in this question as one to be raised in the present arbitration, it being the intention of the Parties that their respective views or contentions on either subject shall be in no wise prejudiced by anything in the present arbitration.

This understanding is that which was embodied in notes exchanged between your predecessor and myself on January 27th, and is that expressed in the abovementioned Resolution of the Senate of the United States.

I have the honour to be, with the highest respect, Sir, Your most obedient, humble Servant,

JAMES BRYCE

The Honourable ROBERT BACON,
Secretary of State.

DEPARTMENT OF STATE,
Washington, March 4, 1909.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 4th instant in which you confirm the understanding in the matter of the Special Agreement submitting to arbitration the differences between the Governments of the United States and Great Britain concerning the North Atlantic fisheries, as expressed in the Resolution of the Senate of February 18, 1909, and as previously agreed upon by the interchange of notes with my predecessor of January 27, 1909.

I therefore have the honor to inform you that this Government considers the Special Agreement as in full force and effect from and after the 4th day of March, 1909.

I have the honor to be, with the highest consideration, Your Excellency's most obedient servant,

ROBERT BACON

His Excellency The Right Honorable
JAMES BRYCE, O. M.,
Ambassador of Great Britain.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

FEBRUARY 18, 1909.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a special agreement between the United States and Great Britain for the sub-

mission to the permanent court of arbitration at The Hague of questions relating to fisheries on the north Atlantic coast, signed on the 27th day of January, 1909.

In giving this advice and consent to the ratification of the said special agreement, and as a part of the act of ratification, the Senate understands that it is agreed by the United States and Great Britain that Question 5 of the series submitted, namely, "from where must be measured the 'three marine miles of any of the coasts, bays, creeks, or harbors' referred to in the said Article," does not include any question as to the Bay of Fundy, considered as a whole apart from its bays, or creeks, or as to innocent passage through the Gut of Canso, and that the respective views or contentions of the United States and Great Britain on either subject shall be in no wise prejudiced by anything in the present arbitration, and that this agreement on the part of the United States will be mentioned in the ratification of the special agreement and will, in effect, form part of this special agreement.

1909.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CONCERNING NEWFOUNDLAND FISHERIES.

Signed at London, July 22–September 8, 1909.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY, *London, July 22nd, 1909.*

SIR,

Inasmuch as under the provisions of the Special Agreement, dated January 27th, 1909, between the United States and Great Britain for the submission to arbitration of certain questions arising with respect to the North Atlantic Coast Fisheries, the decision of the Tribunal on such questions will not be rendered before the summer of 1910, and inasmuch as the Modus Vivendi entered into with Great Britain last July with respect to the Newfoundland Fisheries does not in terms extend beyond the season of 1908, my Government thinks it desirable that the Modus of last year should be renewed for the coming season, and if possible until the termination of the Arbitration proceedings for the settlement of these questions.

I am therefore instructed to propose such a renewal to His Majesty's Government, the understanding on both sides originally having been, as you may remember, that the Modus was entered into pending arbitration.

I have the honour to be, with the highest consideration, Sir, Your most obedient, humble Servant,

WHITELAW REID.

The Right Hon^ble^ Sir EDWARD GREY, Bt., &c. &c. &c.

The British Foreign Office to Chargé Carter.

FOREIGN OFFICE, *September 8th, 1909.*

SIR,

In reply to Mr. Whitelaw Reid's note of July 22nd last I have the honour to state that His Majesty's Government agree to the renewal of the modus vivendi of 1908 for the regulation of the Newfoundland

Fisheries, until the termination of the arbitration proceedings before the Hague Tribunal for the settlement of the Atlantic Fisheries questions.

His Majesty's Government suggest that Mr. Whitelaw Reid's note of July 22nd and my present reply should be regarded as constituting a sufficient ratification of the above understanding without the necessity for embodying it in a more formal document.

I have the honour to be, with high consideration, Sir, Your most obedient, humble Servant,

E. GREY.

J. R. CARTER, Esq., &c. &c. &c.

[*The British Foreign Office to the American Ambassador.*[a]

FOREIGN OFFICE, *July 15, 1908.*

YOUR EXCELLENCY, On the 18th ultimo Your Excellency proposed on behalf of the United States Government that, as arbitration in regard to the Newfoundland fisheries question could not be arranged before the forthcoming fishery season, the "modus vivendi" of last year should be renewed with the same elasticity as before for the parties concerned to make local arrangements satisfactory to both sides.

I have the honor to inform Your Excellency that the Newfoundland government, having been consulted on the subject, have expressed the desire that the herring fishery during the ensuing season should be conducted on the same principles as in the season of 1907, and formally undertake to permit during this year the conduct of the herring fishery as last year.

As the arrangements for last year were admittedly satisfactory to all concerned in the fishing, His Majesty's Government hope that the United States Government will see their way to accept this formal assurance on the part of the Newfoundland government as a satisfactory arrangement for the season of 1908. If this course be adopted it would seem unnecessary to enter into any further formal arrangements, seeing that the communication of this assurance to the United States Government and its acceptance by them would be tanta-

obedient, humble servant,

I have the honor to be, with the highest consideration, your excellency's most obedient, humble servant,

For Sir EDWARD GREY,
LOUIS MALLET.

His excellency the Honorable WHITELAW REID, etc., etc., etc.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY, *London, July 23rd, 1908.*

SIR, The reply, in your letter of July 15, 1908, to my proposal of June 18th, for a renewal of last year's modus vivendi for the approaching Newfoundland fisheries season, with the same elasticity as before for local arrangements, has been duly considered.

I am gratified to learn that the Newfoundland Government was so well satisfied with the result of these arrangements under the modus vivendi for last year that it offers a formal undertaking that the American fishermen shall be permitted to conduct the herring fisheries this year in the same way.

It is proper to observe that our fishermen would have preferred last year, and would prefer now to work the fisheries with purse seines, as heretofore, as provided in the modus vivendi of 1906. But they yielded last year to the strong wishes of the Newfoundland Government in this matter, and joined in the arrangement under the elastic clause at the close of the modus vivendi of 1907 by which, with the approval of the British and American Governments, they gave up also other claims in return for certain concessions. I must reserve their right to these and to purse seines, as heretofore enjoyed, as not now abandoned, and therefore to be duly considered in the pending arbitration before the Hague Tribunal.

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[a] Reprinted in State Department print of modus vivendi, 1909, p. 844.

But with this reservation and with the approval of my Government, I now have pleasure in accepting the offer that the herring fishery during the ensuing season shall be conducted on the same principles as in the season of 1907, and the formal undertaking against interference with this by the Newfoundland Government, as a substantial agreement on my proposal of June 18th.

We unite also with you in regarding this exchange of letters as constituting in itself a satisfactory agreement for the season of 1908, without the necessity for any further formal correspondence.

I am glad to add that Mr. Alexander of the United States Fish Commission, will be sent again this year to the treaty shore, and that my Government feels sure that, through his influence, there will be general willingness to carry out the spirit of the understanding and work on the lines of least resistance.

I have the honor to be, with the highest consideration, Sir, your most obedient, humble servant,

WHITLAW REID.

The right honorable Sir EDWARD GREY, Bt., etc., etc., etc.]

[MODUS VIVENDI BETWEEN THE UNITED STATES AND GREAT BRITAIN IN REGARD TO INSHORE FISHERIES ON THE TREATY COAST OF NEWFOUNDLAND.[a]

AGREEMENT EFFECTED BY EXCHANGE OF NOTES AT LONDON SEPTEMBER 4–6, 1907.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY, *London, September 4, 1907.*

SIR: I am authorized by my Government to ratify a *Modus Vivendi* in regard to the Newfoundland fishery question, as follows:

It is agreed that the fisheries shall be carried on during the present year substantially as they were actually carried on for the most of the time by mutual agreement, under the *Modus Vivendi* of 1906.

(1) It is understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels actof 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of Section One of the act of 1905, as to boarding and bringing into port, and also the whole of Section three of the same act, will not be regarded as applying to American fishing vessels.

(2) In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the three-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this agreement, and also waives the right to fish on Sundays.

(3) It is understood that American fishing vessels will make their shipment of Newfoundlanders, as fishermen, sufficiently far from the exact three-mile limit to avoid reasonable doubt.

(4) It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the colonial customs law as to reporting at a custom house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this *Modus Vivendi* should be made effective at the earliest possible moment, and that, in view of this, and of the actual presence of our fishing fleet on the treaty shore, we do not feel that an exchange of ratifications should be longer delayed. But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities consistent with the due safeguarding of treaty rights which we have enjoyed for nearly a century. If, therefore, the proposals you have recently shown me from the Premier of Newfoundland or any other changes in the above *Modus Vivendi* should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made and the voyage begun, my Government will be ready to consider such

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[a] Reprinted in State Department print of modus vivendi, 1909.

changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

I am glad to be assured by you that this note will be considered as sufficient ratification of the *Modus Vivendi* on the part of my Government.

I have the honor to be, with the highest consideration, Sir, Your most obedient humble servant,

WHITELAW REID.

The Right Honorable Sir EDWARD GREY, Baronet, &c &c &c

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *September 6th, 1907.*

YOUR EXCELLENCY. I have the honour to acknowledge the receipt of Your Excellency's note of the 4th instant, containing the terms of the *Modus Vivendi* with regard to the Newfoundland fisheries,—which you are authorized by your Government to ratify.

I am glad to assure your Excellency that His Majesty's Government agrees to the terms of the *Modus Vivendi* and that your Excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of His Majesty's Government.

His Majesty's Government fully shares the desire of your Government that the provisions of the *Modus Vivendi* should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government takes note of the concilatory offer of the United States Government to consider in a most friendly spirit any changes in the *Modus Vivendi* which may be agreed upon locally between the Newfoundland authorities and the United States fishermen and which may be acceptable both to the United States Government and to His Majesty's Government.

I have the honour to be, with the highest consideration, Your Excellency's most obedient humble servant,

E. GREY.

His Excellency The Honorable WHITELAW REID, &c &c &c]

GREECE.

1837.

Treaty of Commerce and Navigation.[a]

Concluded December 22, 1837; ratification advised by the Senate March 26, 1838; ratified by the President April 12, 1838; ratifications exchanged June 13, 1838; proclaimed August 30, 1838.

Articles.

I. Freedom of commerce.
II. Tonnage duties, etc.
III. Imports.
IV. Exports.
V. Coasting trade.
VI. Government purchases.
VII. Navigation duties.
VIII. No discriminating prohibitions.
IX. Transit, bounties, and drawbacks.
X. Vessels entering without unloading.
XI. Unloading part of cargo.
XII.–XIV. These articles abrogated by treaty concluded Nov. 19, 1902.
XV. Quarantine.
XVI. Blockades.
XVII. Duration.
XVIII. Ratification.

The United States of America and His Majesty the King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity, equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, and for that purpose have appointed Plenipotentiaries:

The President of the United States of America, Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States near the court of Her Britannic Majesty; and His Majesty the King of Greece, Spiridion Tricoupi, Councillor of State on Special Service, his Envoy Extraordinary and Minister Plenipotentiary near the same court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American Order of Isabella the Catholic;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wher-

[a] Articles XII, XIII, XIV abrogated by treaty of Nov. 19, 1902.

ever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsover of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on conditions of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Greek vessels arriving, either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever; and, reciprocally, the vessels of the United States of America arriving, either laden or in ballast, into the ports of the Kingdom of Greece, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

All that may be lawfully imported into the United States of America, in vessels of the said States, may also be thereinto imported in Greek vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek vessels, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Greek vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the Kingdom of Greece, in Greek vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdom of Greece to another port of the said Kingdom; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VI.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contracting party.

ARTICLE VII.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the fifth article of the present treaty.

ARTICLE VIII.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdom of Greece, any prohibition, or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the Kingdom of Greece, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other country.

ARTICLE IX.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatso-

ever, shall likewise be allowed on the articles of like nature, the products of the soil, or industry of the other contracting party, and on the importations and exportations made in its vessels.

Article X.

The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port; or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels, and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

Article XI.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted on paying the duties chargeable upon it, or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be determined anew in the ports of the same country, which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

Article XII.[a]

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or im-

[a] Abrogated by convention of November 19, 1902.

proper conduct with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or commercial agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Article XIII.[a]

The said Consuls, Vice-Consuls, or commercial agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XIV.[a]

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country.

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[a] Abrogated by convention of November 19, 1902.

The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

Article XV.

It is agreed that vessels arriving directly from the United States of America at a port within the dominions of His Majesty the King of Greece, or from the Kingdom of Greece at a port of the United States of America, and provided with a bill of health granted by an officer having competent power to that effect at the port whence such vessel shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter and unload their cargoes: Provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not during their passage have communicated with any vessel liable itself to undergo a quarantine, and that the country whence they came shall not at that time be so far infected or suspected that before their arrival an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

Article XVI.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

Article XVII.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications, and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced by an official notification to the other its intention to arrest the operation of said treaty, it shall remain

binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVIII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Greece, and the ratifications to be exchanged at London within the space of twelve months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed the present treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London, the $\frac{\text{tenth}}{\text{twenty-second}}$ of December, in the year of our Lord one thousand eight hundred and thirty-seven.

[SEAL.] A. STEVENSON.
[SEAL.] S. TRICOUPI.

PROTOCOL EXPLANATORY OF THE SCOPE AND EFFECT OF ARTICLE 1 OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREECE OF DECEMBER 10–22, 1837.

Protocol of a conference held at Athens on the $\frac{30th}{10th}$ day of $\frac{January}{February}$ 1890 between the Honorable A. Loudon Snowden Minister Resident of the United States of America and His Excellency Stephen Dragoumis, Minister for Foreign Affairs of His Majesty the King of the Hellenes.

In view of the desire of the Government of the United States and of that of His Hellenic Majesty to effect a reciprocal understanding in regard to the rights and remedies of associations organized under the laws of one of the countries, in the territories of the other, the Minister of the United States declares that joint stock companies and other associations commercial industrial and financial constituted in conformity with the laws in force in Greece may exercise in the United States, the rights and privileges of subjects of Greece, under Article I of the Treaty of Commerce and navigation, between the Government of the United States and that of His Hellenic Majesty, concluded in London on the 10th.–22nd. of December 1837, including the right of appearing before tribunals for the purpose of bringing an action or of defending themselves with the sole condition that in exercising these rights they always conform to the laws and customs existing in the United States and the several States.

The Hellenic Minister for Foreign Affairs declares on his part reciprocally, that similar rights and privileges shall be enjoyed by corporations of the United States in Greece, whether now or heretofore organized, or to be created in the future, provided they likewise conform to the laws and customs of Greece.

In testimony of which we have interchangeably signed this Protocol Athens on the $\frac{30th}{10th}$ of $\frac{January}{February}$ 1890.

A. LOUDON SNOWDEN [SEAL.]
E. DRAGOUMIS [SEAL.]

[Appendix.]

Article I of the Treaty of 1837.

The Citizens and subjects of each of the two High Contracting Parties, may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the Territories of the other, wherever Foreign Commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce, and they shall enjoy generally, the most entire security and protection in their Mercantile Transactions, on conditions of their submitting to the Laws and Ordinances of the respective Countries.

1902.

Consular Convention.

Concluded November 19, 1902 (December 2, 1902); ratification advised by Senate February 16, 1903; ratified by President May 20, 1903; ratifications exchanged July 9, 1903; proclaimed July 11, 1903.

Articles.

I. Consular officers.
II. Most-favored-nation consular privileges, etc.
III. Exemptions.
IV. Testimony by consuls.
V. Arms and flag.
VI. Immunities of offices and archives.
VII. Acting officers.
VIII. Vice-consuls and agents.
IX. Application to authorities.
X. Notarial powers.
XI. Estates of deceased persons.
XII. Shipping disputes.
XIII. Deserters from ships.
XIV. Damages to vessels at sea.
XV. Shipwrecks and salvage.
XVI. Examination on vessels.
XVII. Ratification; duration.

The President of the United States of America and His Majesty the King of the Hellenes, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two Countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their Plenipotentiaries:

The President of the United States of America, Charles S. Francis, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Hellenes,

His Majesty the King of the Hellenes, Alexander Th. Zaïmis, Commander of the Royal Order of the Saviour, etc., President of His Council, His Minister for Foreign Affairs,

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

Article I.

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

The consuls-general, consuls, vice-consuls and consular agents of the two high contracting parties shall enjoy reciprocally, in the states of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

ARTICLE III.

Consuls-General, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business or trade; but said officers shall in such case be subject to the payment of the same taxes as would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him and who is engaged in no commercial business, it shall request him, in writing, to appear before it; and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Greece.

They may also raise the flag of their country on their offices. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry of Foreign Affairs in Greece, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction.

These agents may be selected from among citizens of the United States or of Greece, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in articles 3 and 4.

ARTICLE IX.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Greece, of the State, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Greece, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

ARTICLE X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated, or to business to be transacted, in the territory of the nation to which the said consular officer may belong.

Such papers and official documents, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Greece.

ARTICLE XI.

In the case of the death of any citizen of the United States in Greece, or of a Greek subject in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall give information of the circumstance to the consular officers of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to the parties interested.

In all that relates to the administration and settlement of estates, the consular officers of the high contracting parties shall have the same rights and privileges as those accorded in the United States of America and Greece, respectively, to the consular officer of the most favored nation.

ARTICLE XII.

Consuls-general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts.

In case any discord should happen on board of vessels of either party, in the territory or waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States, nor any Court or Authority in Greece, shall on any pretext interfere except when the said disorders are of such a nature as to cause or to be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew.

In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authorities in Greece, shall not interfere but shall render forcible aid to consular officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Greece, and sup-

ported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held, during the whole time of their stay in the port, at the disposal of the consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the consular officers.

ARTICLE XIII.

The said consuls-general, consuls, vice-consuls and consular agents are authorized to require the assistance of the local authorities for the arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges and officers and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls-general, consuls, vice-consuls and consular agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XIV

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two countries, whether they enter the respective ports voluntarily or are forced by stress of weather or other cause, over which the officers have no control, shall be settled by the consuls-general, consuls, vice-consuls and consular agents of the country in which they respectively reside; in case, however, any citizen of the country in which the said officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XV

All operations relative to salvage of United States vessels wrecked upon the coasts of Greece, and of Greek vessels upon the coasts of the United States, shall be directed by the respective consuls-general, consuls, and vice-consuls of the two countries, and until their arrival, by the respective consular agents, where consular agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the consul of the district in which the disaster has taken place, and until the arrival of the said consul, they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

ARTICLE XVI

Consuls-general, consuls, vice-consuls and consular agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ship's papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and list of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

They shall also give due notice to the said consular officers, in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to consuls, vice-consuls or consular agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

ARTICLE XVII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Athens as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

This convention abrogates articles 12, 13 and 14 of the treaty of Commerce and Navigation concluded between the United States of America and Greece at London, December 10th/22d, 1837, the remaining articles of such treaty continuing in force.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate and have hereunto affixed their seals.

Done at Athens the 19th/2d day of $\frac{\text{November}}{\text{December}}$ 1902

CHARLES S. FRANCIS. (SEAL)
(ΤΣ.) *Α. Α. ΖΑΪΜΗΣ.*

GUATEMALA.

1849.[a]

Treaty of Peace, Friendship, Commerce, and Navigation.

Concluded March 3, 1849; ratification advised by the Senate September 24, 1850; time for exchange of ratifications extended by the Senate September 27, 1850, and again June 7, 1852; ratified by the President November 14, 1850; ratifications exchanged May 13, 1852; proclaimed July 28, 1852.

Articles.

I. Amity.
II. Most favored nation.
III. Navigation and trade.
IV. Tonnage duties.
V. Discrimination in duties.
VI. Reciprocal privileges of citizens.
VII. Embargo.
VIII. Asylum for vessels.
IX. Captures by pirates.
X. Shipwrecks.
XI. Disposition of property.
XII. Reciprocal protection property rights.
XIII. Religious liberty.
XIV. Trade in war.
XV. Neutral property.
XVI. Contraband.
XVII. Blockade.
XVIII. Procedure in contraband.
XIX. Blockade and siege.
XX. Visitation and search.
XXI. Ships' papers in war.
XXII. Convoys.
XXIII. Prize courts.
XXIV. Letters of marque.
XXV. War.
XXVI. Debts in war.
XXVII. Exemptions of envoys.
XXVIII. Most favored nation, consuls.
XXIX. Exequaturs.
XXX. Rights of consuls.
XXXI. Deserters.
XXXII. Consular convention.
XXXIII. Duration; ratification.

The United States of America and the Republic of Guatemala, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

For this most desirable object the President of the United States of America has conferred full powers on Elijah Hise, Chargé d'Affaires of the United States near the Government of the Republic of Guatemala and the Executive Power of the Government of the said Republic on the Sr. Licdo. Dn. José Mariano Rodriguez, Secretary of State and of the Department of Foreign Relations; who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Article I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic

[a] This treaty was terminated by notice November 4, 1874.

of Guatemala, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Guatemala, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved to the parties respectively, according to their own separate laws.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Guatemala; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Guatemala in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may be in like manner exported or re-exported in vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Guatemala.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Guatemala, and no higher or other duties shall be im-

posed on the importation into the Republic of Guatemala of any articles the produce or manufactures of the United States, than are or shall be payable in like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of Guatemala, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Guatemala, to or from the territories of the United States, or to or from the territories of the Republic of Guatemala, which shall not equally extend to all other nations.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE VIII.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE IX.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limit of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, provided the same be exported.

ARTICLE XI.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country where said goods are or shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in [all [a]] cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE XIII.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of

[a] The word *Todo* appears in the Spanish text but its equivalent *all* does not appear in the English text of the treaty.

their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XIV.

It shall be lawful for the citizens of the United States of America and of the Republic of Guatemala to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XV.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral embarked in such enemy's ship shall be free.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts, and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

Article XVII.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article XVIII.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Article XIX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she

shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either of the parties, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XX.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose, the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

Article XXII.

It is further agreed that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of

honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article XXIII.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them, and whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Article XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

Article XXV.

If by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and of the Republic of Guatemala shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

Article XXVI.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor moneys which they may have in public funds or in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Article XXVII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and

other public agents the same favours, immunities, and exemptions which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Guatemala may find it proper to give to the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

To make more effectual the protection which the United States of America and the Republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

ARTICLE XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXX.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the

contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the repective parties.

Article XXXIII.

The United States of America and the Republic of Guatemala, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to, the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually binding on both Powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

3dly. If (which indeed cannot be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the Government of the Republic of Guatemala, and the ratifications shall be exchanged in the city of Washington or Guatemala within eighteen months, counted from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Guatemala, have signed and sealed these presents, in the city of Guatemala, this third day of March, in the year of our Lord one thousand eight hundred and forty-nine.

[SEAL.] ELIJAH HISE.
[SEAL.] J. MARIANO RODRIGUEZ.

1900.

PROTOCOL OF AN AGREEMENT SUBMITTING TO ARBITRATION THE CLAIM OF ROBERT H. MAY AGAINST GUATEMALA AND THE CLAIM OF GUATEMALA AGAINST SAID MAY.

Signed at Washington, February 23, 1900.

PROTOCOL OF AN AGREEMENT BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF GUATEMALA FOR SUBMISSION TO AN ARBITRATOR OF THE CLAIM OF ROBERT H. MAY AGAINST THE REPUBLIC OF GUATEMALA AND OF THE CLAIM OF THE REPUBLIC OF GUATEMALA AGAINST SAID MAY.

The United States of America and the Republic of Guatemala, through their representatives, John Hay, Secretary of State of the United States of America, and Antonio Lazo Arriaga, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala, have agreed upon and signed the following protocol.

Whereas, the United States of America, on behalf of Robert H. May, has claimed indemnity from the Government of Guatemala for a debt alleged to be due him from that Government under certain contracts between him and that Government in connection with the Guatemala Northern Railroad and for damages alleged to have been caused him by that Government, its civil or military authorities in connection therewith; and the Government of Guatemala denies any liability therefor; and

Whereas, the Government of Guatemala has claimed that said May is indebted to it both on account of said contracts and of damages caused by his alleged unlawful acts or those of his agents or employees acting by his authority; and said May, to secure his faithful performance of said contract, has delivered to said Government a promissory note, signed by certain third parties for $40,120.79; and the Government of the United States denies any liability on May's part to said Government of Guatemala on account of said claims;

It is therefore agreed between the two Governments, with the consent of said May and of his attorney of record:

I.

That the questions of law and fact brought in issue between the two Governments in respect of their claims shall be referred to the decision of Mr. George Francis Birt Jenner Her Britannic Majesty's Minister Resident and Consul General to the Republics of Guatemala, Honduras, Nicaragua, Costa-Rica and Salvador, whose award shall be final and conclusive.

II.

That within thirty days from the date of the signing of this protocol, each party shall furnish to the other and to the arbitrator a copy of the memorial on which its own claim is based; and within ninety days after such signing each Government shall furnish to the other and to the arbitrator copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign Offices relating to these claims, and of all affidavits of their respective witnesses relating thereto: Provided, that said arbitrator may request either Government to furnish such additional proof as he may deem necessary in the interests of justice, and each Government agrees to comply with said request as far as possible; but he shall not for such purpose delay his decision.

III.

That each Government by its counsel, and said May by his attorney, may severally submit to said arbitrator an argument in writing touching the questions involved within sixty days from the date limited for the submission of the evidence; but the arbitrator shall not for such purpose nor in any event delay his decision beyond four months from the date of the submission to him of the evidence aforesaid.

IV.

It shall be the duty of said arbitrator to decide both cases upon such evidence as may have been filed before him and solely upon the issues of law and fact presented by the claim and counterclaim and upon the consideration of said entire controversy, he shall render an award in favor of the party entitled thereto; which shall not exceed the amount claimed by said party as shown by the evidence, and interest thereon from the time said sums were due until the date of the award, and said award shall bear six per cent interest from said date until paid.

V.

The award shall be payable in American gold, and in case said award shall be against said May, said Government of Guatemala may retain the aforesaid note as security and collect it for the payment of said award, which said May agrees to pay within six months from

the date of the award, the Government of the United States being in nowise responsible for the payment thereof. In case said award shall be against said Government of Guatemala, then said Government shall surrender to May said note. Said Government shall pay the indemnity awarded against it by the arbitrator, if any, as soon as the Legislative Assembly of Guatemala shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision is rendered, unless an extension of the time of its payments should be granted by the Government of the United States.

VI.

Reasonable compensation to the arbitrator for all his services and expenses, is to be paid in equal moieties by the said Governments.

VII.

This protocol shall be submitted for approval and ratification on the part of Guatemala, to its Legislative Assembly. When so approved and ratified the Government of Guatemala will promptly notify the Government of the United States thereof. Unless so approved and ratified and said notice given by April 1, 1900, this protocol shall be deemed null and void.

Done in duplicate in English and Spanish at Washington this 23d day of February, 1900.

JOHN HAY
ANTO. LAZO ARRIAGO.

1900.

SUPPLEMENTAL PROTOCOL TO THE AGREEMENT OF FEBRUARY 23, 1900, SUBMITTING TO ARBITRATION THE CLAIM OF ROBERT H. MAY AGAINST GUATEMALA AND THE CLAIM OF GUATEMALA AGAINT SAID MAY.

Signed at Washington May 10, 1900.

SUPPLEMENTAL PROTOCOL.

Whereas, a protocol was signed at Washington, February 23, 1900, between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala for submission to an arbitrator of certain issues involved in the claim and counterclaim of Robert H. May and Guatemala, as specified in said protocol; and

Whereas, it is stipulated in Article II of said protocol as follows, to wit:

"That within thirty days from the date of the signing of this protocol, each party shall furnish to the other and to the arbitrator a copy of the memorial on which its own claim is based; and within ninety days after such signing each Government shall furnish to the other and to the arbitrator copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign Offices relating to these claims, and of all affidavits of their respective witnesses relating thereto: Provided, that said arbitrator may request either Government to furnish such additional proof as he may deem necessary in the interests of justice, and each

Government agrees to comply with said request as far as possible; but he shall not for such purpose delay his decision"; and

Whereas, it is stipulated by Article III, of said protocol as follows, to wit:

"That each Government by its counsel, and said May by his attorney, may severally submit to said arbitrator an argument in writing touching the questions involved within sixty days from the date limited for the submission of the evidence; but the arbitrator shall not for such purpose nor in any event delay his decision beyond four months from the date of the submission to him of the evidence aforesaid";

Whereas, it is stipulated by Article IV of said protocol, as follows, to wit:

"It shall be the duty of said arbitrator to decide both cases upon such evidence as may have been filed before him and solely upon the issues of law and fact presented by claim and counterclaim and upon the consideration of said entire controversy, he shall render an award in favor of the party entitled thereto; which shall not exceed the amount claimed by said party as shown by the evidence, and interest thereon from the time said sums were due until the date of the award, and said award shall bear six per cent. interest from said date until paid."

It is agreed between the two Governments that said Article II be, and the same is hereby, amended to read as follows, to wit:—

"That within ninety days from the date of the signing of the original protocol each party shall have furnished to the arbitrator and to the other a copy of the memorial on which its own claim is based; and within one hundred and fifty days after such signing each Government shall furnish to the arbitrator and to the other copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign offices relating to these claims, and of all affidavits of their respective witnesses relating thereto: Provided, that said arbitrator may request either Government to furnish such additional proof as he may deem necessary in the interests of justice, and each Government agrees to comply with said request as far as possible."

It is agreed that said Article III, be, and it is hereby, amended to read as follows, to wit:

"That each Government by its counsel, and said May by his attorney, may severally submit to said arbitrator an argument in writing touching the questions involved within ninety days from the date limited for the submission of the evidence; but the arbitrator shall not for such purpose nor in any event delay his decision beyond six months from the date of the submission to him of the evidence aforesaid."

It is agreed that said Article IV be, and it is hereby amended to read as follows:

"It shall be the duty of said arbitrator to decide both cases upon such evidence as may have been filed before him and solely upon the issues of law and fact presented by the claim and counterclaim and upon the consideration of said entire controversy, he shall render an award in favor of the party entitled thereto; which shall not exceed the amount claimed by said party and interest at the rate of six per cent. per annum thereon from the time said sums were due until the

date of the award, and said award shall bear six per cent interest per annum from said date until paid."

Done in duplicate in English and Spanish at Washington this 10th day of May, 1900.

JOHN HAY.
ANTO LAZO ARRIAGA.

AWARD.

On the 16th of November 1900 the arbitrator appointed pursuant to the foregoing protocols rendered his award, awarding a total sum of $143,750.73 gold in favor of the claimant.

1901.

TRADE-MARK CONVENTION.

Concluded April 15, 1901; ratification advised by Senate January 27, 1902; ratified by President February 1, 1902; ratifications exchanged April 3, 1902; proclaimed April 11, 1902.

ARTICLES.

I. Reciprocal rights.
II. Formalities.
III. Duration.
IV. Ratification.

With a view to secure for the manufacturers of the United States of América, and those in the Republic of Guatemala, the reciprocal protection of their Trade-Marks and Trade-Labels, the Undersigned, duly authorized to that effect, have agreed on the following dispositions:

ARTICLE I.

The citizens of each of the High Contracting Parties shall in the Dominions and Possessions of the other have the same rights as belong to native citizens, in everything relating to Trade-Marks and Trade-Labels of every kind.

Provided, always, that in the United States the citizens of Guatemala, and in Guatemala, the citizens of the United States of América, cannot enjoy these rights to a greater extent or for a longer period of time than in their native country.

ARTICLE II.

Any person in either country desiring protection of his Trade-Mark in the Dominions of the other must fulfil the formalities required by the law of the latter; but no person, being a citizen of one of the contracting States, shall be entitled to claim protection in the other by virtue of the provisions of this convention, unless he shall have first secured protection in his own country in accordance with the laws thereof.

ARTICLE III.

This arrangement shall go into effect immediately on or after the exchange of the ratifications and shall be in force until a year after it has been recalled by one or the other of the two High Parties.

ARTICLE IV.

The present convention shall be ratified by the President of the United States by and with the consent of the Senate thereof and by the President of the Republic of Guatemala, and the ratifications shall be exchanged at Guatemala as soon as may be within twelve months from the date hereof.

In witness whereof the Undersigned have signed the present convention and have affixed thereto the seal of their arms, in Guatemala the fifteenth day of April of one thousand nine hundred and one.

W. GODFREY HUNTER [SEAL.]
JUAN BARRIOS M. [SEAL.]

1901.

CONVENTION RELATING TO TENURE AND DISPOSITION OF REAL AND PERSONAL PROPERTY.

Concluded August 27, 1901; ratification advised by Senate January 30, 1902; ratified by President February 6, 1902; ratifications exchanged September 16, 1902; proclaimed September 18, 1902.

ARTICLES.

I. Disposition of real property.
II. Disposition of personal property.
III. Notice of decease of citizens, etc.
IV. Duration.
V. Ratification.

The United States of América and the Republic of Guatemala, desiring to improve the condition of the citizens of each of the respective countries in relation to the tenure and disposition of real and personal property situated or being within the territories of the other, as well as to authorize the representation of deceased persons by the Consuls of their respective nations in the settlement of estates, have resolved to conclude a convention for those purposes and have named as their Plenipotentiaries:

The President of the United States of America the Honorable W. Godfrey Hunter, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Guatemala; and

The President of Guatemala the Licentiate Juan Barrios M., Secretary of State in the Department of Foreign Affairs,

Who having exchanged their said full powers, found in due and proper form have agreed to and signed the following articles:

ARTICLE I.

Where on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to

a citizen of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen shall be allowed a term of three years, in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens of the country from which such proceeds may be drawn.

ARTICLE II.

The citizens of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens of the country where the property lies shall be liable to pay in like cases.

ARTICLE III.

In case of the death of any citizen of the United States of America in Guatemala, or of any citizen of Guatemala in the United States, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the Nation to which the deceased person belonged of the circumstance in order that the necessary information may be immediately forwarded to persons interested.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are otherwise represented.

ARTICLE IV.

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of ten years, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

ARTICLE V.

The present convention shall be duly ratified by the President of the United States, by and with the approval of the Senate thereof, and by the President of Guatemala, by and with the approval of the National Legislative Assembly thereof, and the ratifications shall be exchanged in Washington or in Guatemala.

In faith whereof, we, the respective plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Guatemala, this twenty-seventh day of August, one thousand nine hundred and one.

W. GODFREY HUNTER [SEAL.]
JUAN BARRIOS M. [SEAL.]

1903.

EXTRADITION TREATY.

Concluded February 27, 1903; ratification advised by Senate March 11, 1903; ratified by President July 8, 1903; ratifications exchanged July 16, 1903; proclaimed July 17, 1903.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Offense for which tried.
IV. Political offenses.
V. Nondelivery of citizens.
VI. Deferring extradition.
VII. Persons claimed by other countries.
VIII. Limitations.
IX. Provisional arrest.
X. Procedure.
XI. Expenses.
XII. Property in possession of accused.
XIII. Crimes by citizens of one against other contracting power.
XIV. Duration; ratification.

The United States of America and the Republic of Guatemala, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Guatemala, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States, and

The President of Guatemala, Señor Don Antonio Lazo Arriaga, Envoy Extraordinary and Minister Plenipotentiary of Guatemala to the United States:

WHO, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Guatemala mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or persons so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offences:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning, and infanticide; assault with intent to commit murder; manslaughter, when voluntary.

2. Mayhem and any other wilful mutilation causing disability or death.

3. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

4. Rape.

5. Bigamy.

6. Arzon.

7. Crimes committed at sea:

   (a) Piracy, by statute or by the law of nations.

   (b) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

   (c) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

   (d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

8. Burglary, defined to be the act of breaking and entering into the house of another in the nighttime, with intent to commit a felony therein.

9. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

10. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

11. Forgery, or the utterance of forged papers.

12. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the above mentioned objects.

14. The introduction of instruments for the fabrication of counterfeit coin or bank notes or any other paper current as money.

15. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or depositaries, where the amount of money embezzled is not less than two hundred dollars.

16. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws, where the amount of money embezzled is not less than two hundred dollars.

17. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and where the amount of money or the value of the property embezzled is not less than two hundred dollars.

18. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or their families, or for any unlawful end.

19. Obtaining by threats of injury, or by false devices, money, valuables or other personal property, and the receiving of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries, and the amount of money or the value of the property so obtained is not less than $200.00.

20. Larceny, defined to (be) the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

22. Perjury; violation of an affirmation or a promise to state the truth, when required by law; subornation to commit said crimes.

23. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.

Article III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned. He shall moreover not be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article XI of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in Article II shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such an offense.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI.

If the person whose surrender may be claimed, pursuant to the stipulations of the present convention, shall have been accused or arrested for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: acquittal; expiration of term of imprisonment; expiration of the period to which the sentence may have been commuted, or pardon.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered up in preference in accordance with that demand which is the earliest in date, unless the State from which extradition is sought is bound to give preference otherwise.

ARTICLE VIII.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article IX.

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made, accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding forty days, to await the production of the documents upon which the claim for extradition is founded.

Article X.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he has been convicted, authenticated under its seal, with attestation of the official character of the judge, by the proper executive authority, and of the latter by the minister or consul of the United States or of Guatemala, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions upon which such warrant has been issued, must accompany the requisition as aforesaid.

Article XI.

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expenses for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

Article XII.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, and that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

Article XIII.

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any of the crimes or offenses mentioned in Article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

Article XIV.

The present convention shall take effect thirty days after the exchange of ratifications, when the convention of October 11, 1870,[a] and the additional article of October 22, 1887,[a] shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Spanish languages, and have hereunto affixed their seals.

Done, in duplicate, at the City of Washington, this 27th day of February one thousand nine hundred and three.

JOHN HAY [SEAL.]
ANT LAZO ARRIAGA [SEAL.]

1906.

Patent Convention.

Signed November 10, 1906; ratification advised by the Senate December 13, 1906; ratified by the President March 6, 1907; ratifications exchanged June 13, 1907; proclaimed July 9, 1907.

Articles.

I. Reciprocal rights.
II. Reciprocal compliance with laws.
III. Effect; duration.

CONVENTION BETWEEN THE UNITED STATES AND GUATEMALA FOR THE RECIPROCAL PROTECTION OF PATENTS.

The United States of America and the Republic of Guatemala, desiring to secure for their respective citizens the reciprocal protection of their patents, have for that purpose resolved to conclude a

[a] These treaties were not perfected by exchange of ratifications and were never proclaimed by the President.

Convention and to that end have appointed as their Plenipotentiaries, to-wit:

The President of the United States of America, Mr. Philip M. Brown, Chargé d'Affaires ad interim of the United States to Guatemala, and,

The President of Guatemala Mr. John Barrios M. Minister for Foreign Affairs;

Who, after exhibiting to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of each of the High Contracting Parties, shall in the territory of the other, enjoy the same rights as are enjoyed by native citizens in all matters pertaining to the protection of inventions by letters patent.

ARTICLE II.

In order to enjoy the protection of their inventions, the citizens of each country must fulfill the formalities required by the laws of the country in which the protection is asked.

ARTICLE III.

This Convention shall take effect upon its promulgation in both countries and shall remain in force until the expiration of one year after either of the high Contracting Parties shall have given notice to the other of its wish to terminate the same.

The ratifications of this Convention shall be exchanged at Guatemala city as soon as possible within one year from the date thereof.

In witness whereof we, the respective Plenipotentiaries have signed the present Convention this tenth day of November nineteen hundred and six, and have hereunto affixed our seals.

[SEAL.] PHILIP M BROWN
[SEAL.] JUAN BARRIOS M.

HAITI.

NOTE.—See Hayti, page 921.

HANOVER.

(Hanover was conquered and merged into Prussia in 1866 and is now included in the German Empire.)

1840.[a]

TREATY OF COMMERCE AND NAVIGATION.

Concluded May 20, 1840; ratification advised by the Senate July 15, 1840; ratified by the President June 28, 1840; ratifications exchanged November 14, 1840; proclaimed January 2, 1841.

ARTICLES.

I. Commerce and navigation.
II. Discrimination in duties.
III. Discrimination in duties.
IV. Coasting trade.
V. Nationality of vessels.
VI. Consuls.
VII. Reciprocal privileges of citizens.
VIII. Shipwrecks; salvage.
IX. Duration.
X. Ratification.

The United States of America and His Majesty the King of Hanover, equally animated by the desire of extending as far as possible the commercial relations between, and the exchange of the productions of their respective States, have agreed, with this view, to conclude a treaty of commerce and navigation.

For this purpose, the President of the United States of America has furnished with full powers Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia; and His Majesty the King of Hanover has furnished with the like full powers Le Sieur Auguste de Berger, his Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia, Lieutenant General, Knight Grand Cross of the Order of Guelph, the Red Eagle of Prussia, the Order of Merit of Oldenburg, &c.;

Who, after exchanging their said full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles:

ARTICLE I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

[a] This treaty was superseded by the treaty of 1846.

The inhabitants of their respective States shall mutually have liberty to enter, with or without their ships and cargoes, the ports, places, waters, and rivers of the territories of each party wherever foreign commerce is permitted.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, in all the territories subject to the jurisdiction of each party, in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

Article II.

No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels than those payable in the same ports by vessels of the United States; nor in the ports of the Kingdom of Hanover on the vessels of the United States than shall be payable in the same ports on Hanoverian vessels.

The privileges secured by the present article to the vessels of the respective high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers, and two-thirds of the crew shall consist of the citizens or subjects of the country to which the vessel belongs.

The same duties shall be paid on the importation into the ports of the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States and of every other country of the continent of America and the West India Islands, from whatsoever ports of the said countries the vessels may depart, whether such importation shall be in Hanoverian vessels or the vessels of the United States.

The same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the Kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover; and the same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or manufacture of the United States and of every other country on the continent of America and the West India Islands, to the Kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States departing from the ports of the United States.

ARTICLE III.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the exportation or importation of any articles the growth, produce, or manufacture of the United States, or the Kingdom of Hanover, to or from the ports of said Kingdom or of the said United States, which shall not equally extend to all other nations.

ARTICLE IV.

The preceding articles are not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own citizens or subjects.

ARTICLE V.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

ARTICLE VI.

The contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if

any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced his sentence, and such sentence shall have been carried into effect.

Article VII.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person, holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of detraction or emigration on the part of the respective Governments.

Article VIII.

The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposit, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

Article IX.

The present treaty shall be in force for the term of twelve years from the date hereof; and further until the end of twelve months after the Government of the United States on the one part, or that of Hanover on the other, shall have given notice of its intention of terminating the same.

Article X.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate; and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Berlin, within the space of ten months from this date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles as well in French as in English, and have affixed

thereto the seals of their arms, declaring at the same time that the signature in the two languages shall not hereafter be cited as a precedent, nor in any manner prejudice the contracting parties.

Done in quadruplicate at the city of Berlin the twentieth day of May, in the year of our Lord one thousand eight hundred and forty, and the sixty-fourth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] AUGUSTUS DE BERGER.

1846.[a] [b]

TREATY OF COMMERCE AND NAVIGATION.

Concluded June 10, 1846; ratification advised by the Senate January 6, 1847; ratified by the President July 28, 1847; ratifications exchanged March 15, 1847; proclaimed April 24, 1847.

ARTICLES.

I. Discrimination in duties.
II. Coasting trade.
III. Nationality of vessels.
IV. Shipwrecks.
V. Vessels to which privileges applicable.
VI. Discrimination in duties on imports and exports.
VII. Most favored nation.
VIII. Duty on raw cotton.
IX. Consuls.
X. Reciprocal privileges of citizens.
XI. Duration.
XII. Extension to States of German Confederation.
XIII. Ratification.

The United States of America and His Majesty the King of Hanover, equally animated with a desire of placing the privileges of their navigation on a basis of the most extended liberality, and of affording otherwise every encouragement and facility for increasing the commercial intercourse between their respective States, have resolved to settle in a definitive manner the rules which shall be observed between the one and the other, by means of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on A. Dudley Mann, their Special Agent to His Majesty the King of Hanover; and His Majesty the King of Hanover has furnished with the like full powers the Baron George Frederick de Falcke, of his Privy Council, Knight Grand Cross of the Royal Guelphick Order;

Who, after exchanging their full powers, found in good and due form, have concluded and signed subject to ratification, the following articles.

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in vessels of the Kingdom of Hanover;

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[a] This treaty terminated on the merging of Hanover into the Kingdom of Prussia.

[b] Federal case, Valk *v.* U. S. et. al. (29 Ct. Cls., 62).

and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a Hanoverian vessel. And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Kingdom of Hanover in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other. And the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other than are or shall be payable in the same ports by national vessels.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the tonnage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the Kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the above-mentioned place, from which vessels of the Kingdom of Hanover are or shall be exempt.

Article II.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

Article III.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

Article IV.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repairs shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE V.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

It is further stipulated that vessels of the Kingdom of Hanover may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Kingdom of Hanover.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles the growth, produce, and manufacture of the United States, and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said kingdom, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional.

ARTICLE VIII.

In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the Kingdom of Hanover hereby agrees to abolish the import duty on raw cotton,

and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half tierces.

And, further, the Kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the States bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the Kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such States.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfennigs Hanoverian currency (two cents United States currency) for one hundred pounds Hanoverian weight, (one hundred and four pounds United States weight.)

Article IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right as such to sit as judges and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, Commercial Agents or Vice-Commercial Agents, and may be confined in the public prisons, at the request and

cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Article X.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being, nevertheless, understood that they shall remain subject to the said laws and regulations; also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigous affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defense of their rights such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato.

They may take possession thereof either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molesta-

tion, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

ARTICLE XI.

The present treaty shall continue in force for the term of twelve years from the date hereof, and further until the end of twelve months after the Government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the Kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight, (seventy cents pr. one hundred pounds United States currency and weight,) the Government of Hanover shall give a notice of one year to the Government of the United States before proceeding to do so; and at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the Government of Hanover, or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

ARTICLE XII.

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner if possible, when the treaty of commerce and navigation concluded between the high contracting parties at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

In faith whereof we, the Plenipotentiaries of the high contracting parties, have signed the present treaty, and have thereto affixed our seals.

Done in quadruplicate at the city of Hanover, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty-

six, and in the seventieth year of the Independence of the United States of America.

[SEAL.] A. DUDLEY MANN.
[SEAL.] GEORGE FREDERICK BARON DE FALCKE.

1855.[a]

EXTRADITION TREATY.

Concluded January 18, 1855; ratification advised by Senate March 13, 1855; ratified by the President March 18, 1855; ratifications exchanged April 17, 1855; proclaimed May 5, 1855.

ARTICLES.

I. Crimes.
II. Accession of other States.
III. Nondelivery of citizens.
IV. New offense in country of asylum.
V. Duration.
VI. Ratification.

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice, and to prevent the commission of crimes in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offenses hereafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian Government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland; His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.;

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them, or their Ministers, officers, or authorities respectively made, to deliver up to

[a] This treaty terminated when Hanover was merged into the Kingdom of Prussia.

justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

Article VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Hanover, and the ratifications shall be exchanged in London within three months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the Independence of the United States.

[SEAL.] James Buchanan.
[SEAL.] A. Kielmansegge.

1861.[a]

Convention Abolishing Stade or Brunshausen Dues.

Concluded November 6, 1861; ratification advised by the Senate February 3, 1862; ratified by the President February 7, 1862; ratifications exchanged April 29, 1862; proclaimed June 17, 1862.

Articles.

I. Abolition of dues.
II. Navigation of the Elbe.
III. Indemnity.
IV. Payment of indemnity.
V. Execution of obligations.
VI. Former treaty.
VII. Ratification.

The United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers:

The President of the United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Prussia, and His Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant Colonel and Extraordinary Aid-de-Camp, Mr. August Wilhelm von Reitzenstein, Knight Commander of the 2d class of the Royal Guelphick Order, etc.;

Who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following articles:

Article I.

His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation—

1. To abolish completely and forever the toll hitherto levied on the cargoes of American vessels ascending the Elbe, and passing the

[a] This treaty terminated when Hanover was merged into the Kingdom of Prussia.

mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen dues;

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

Article II.

His Majesty the King of Hanover obligates himself moreover to the United States of America—

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary for the free navigation of the Elbe;

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine, any charge whatever, in lieu and place of the Stade or Brunshausen dues.

Article III.

By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover by the above stipulations, the United States of America agree to pay to his Majesty the King of Hanover, who accepts the same, the sum of sixty thousand three hundred and fifty-three thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues.

Article IV.

The sum of sixty thousand three hundred and fifty-three thalers courant, stipulated in Article III, shall be paid at Berlin, into the hands of such person as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided.

In consideration of the fact that the stipulations contained in Articles I and II have already been applied to the American flag since the first day of July, 1861, the United States of America agree to pay besides, and the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October, 1861.

Article V.

The execution of the obligations contained in the present treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the constitutions of the high contracting Powers, and the compliance with these formalities and rules be brought about within the shortest delay possible.

ARTICLE VI.

The treaty of commerce and navigation concluded between the United States of America and His Majesty the King of Hanover on the tenth day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, Article I, which shall cease to have effect after the present treaty shall have been ratified.

ARTICLE VII.

This treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin, within six months from the present date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the English and German languages, and they have thereto affixed their seals.

Done in duplicate at Berlin the sixth day of November, in the year of our Lord one thousand eight hundred and sixty-one, and the Independence of the United States of America the eighty-sixth.

[SEAL.] N. B. JUDD.
[SEAL.] WILHELM AUGUST VON REITZENSTEIN.

PROTOCOL.

It remains understood that, until the execution of the stipulations contained in Articles V and VII of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandise transported in American vessels. Until, however, all the Powers, parties to the general treaty of the 22d day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the Articles VI and VII of the last-named treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention.

Done at Berlin the 6th November, 1861.

[SEAL.] N. B. JUDD.
[SEAL.] WILHELM AUGUST VON REITZENSTEIN.

HANSEATIC REPUBLICS.

(BREMEN, HAMBURG, AND LUBECK.)

The Hanseatic Republics were incorporated into the North German Union July 1, 1867.

1827.

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION.[a]

Concluded December 20, 1827; ratification advised by the Senate January 7, 1828; ratified by the President; ratifications exchanged June 2, 1828; proclaimed June 2, 1828.

ARTICLES.

I. Equality of duties.
II. Import and export duties.
III. Government purchases.
IV. Proof of Hanseatic vessels.
V. Rights to trade.
VI. Commercial privileges.
VII. Property rights
VIII. Special protection to persons and property.
IX. Most favored nation privileges.
X. Duration.
XI. Ratification.

The United States of America on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a convention of friendship, commerce, and navigation.

For the attainment of this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Senate of the Republic and Free Hanseatic City of Lubeck, the Senate of the Republic and Free Hanseatic City of Bremen, and the Senate of the Republic and Free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time

[a] Federal case: North German Lloyd S. S. Co. *v.* Hedden (43 Fed. Rep., 17).

to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the said Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party or of the other. Nor shall higher or other charges, of any kind, be imposed in the ports of the one party, on vessels of the other, than are or shall be payable in the same ports by national vessels.

Article II.

No higher or other duties shall be imposed on the importation, into the United States, of any article the produce or manufacture of the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said Republics, of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed by either party on the exportation of any articles to the United States, or to the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, to or from the ports of the United States, or to or from the ports of the other party, which shall not equally extend to all other nations.

Article III.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, coporation, or agent, acting on their behalf, or under their authority, in the purchase of any article the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IV.

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the States of the Confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this convention, be taken to be and considered as a vessel belonging to Lubeck, Bremen, or Hamburg.

ARTICLE V.

Any vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall, for all the purposes of this convention, be deemed to have cleared from the Republic to which such vessel belongs, although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel and her cargo making the same voyage.

ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them

the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

Article VIII.

Both the contracting parties promise, and engage formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article IX.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Article X.

The present convention shall be in force for the term of twelve years from the date hereof, and further, until the end of twelve months after the Government of the United States on the one part, or the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years. And it is hereby agreed between them that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this convention, it shall nevertheless remain in full force and operation as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

ARTICLE XI.

The present convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the contracting parties, have signed the present convention, and have thereto affixed our seals.

Done in quadruplicates at the city of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] V. RUMPFF.

1828.[a]

ADDITIONAL ARTICLE TO CONVENTION OF 1827.

Concluded June 4, 1828; ratification advised by the Senate December 29, 1828; ratified by the President; ratifications exchanged January 14, 1829; proclaimed July 29, 1829.

The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the convention of friendship, commerce, and navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters, in writing, proving by an exhibition of the registers of the said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

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[a] This article was superseded by the Consular Convention with the German Empire, 1871.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the convention signed at Washington on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present additional article, and have thereto affixed our seals.

Done in quadruplicate at the city of Washington, on the fourth day of June, in the year of our Lord one thousand eight hundred and twenty-eight.

[SEAL.] H. CLAY.
[SEAL.] V. RUMPFF.

1852.[a]

CONSULAR CONVENTION.

Concluded April 30, 1852; ratification advised by the Senate August 30, 1852; ratified by the President September 24, 1852; ratifications exchanged February 25, 1853; proclaimed June 6, 1853.

ARTICLES.

I. Powers of consuls.
II. Duration of convention.
III. Ratification.

The United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, having agreed to extend, in certain cases, the jurisdiction of their respective Consuls, and to increase the powers granted to said Consuls by existing treaty stipulations, have named for this purpose, as their respective Plenipotentiaries, to wit:

The President of the United States of America, Daniel Webster, Secretary of State of the United States, and the Senate of the Free and Hanseatic City of Hamburg, the Senate of the Free and Hanseatic City of Bremen, and the Senate of the Free and Hanseatic City of Lubeck, Albert Schumacher, Consul-General of Hamburg and Bremen in the United States;

Who, having exchanged their full powers, found in due and proper form, have agreed to and signed the following articles:

ARTICLE I.

The Consuls, Vice-Consuls, commercial and vice-commercial agents of each of the high contracting parties shall have the right as such,

[a] This convention was superceded by the General Consular Convention with the German Empire of 1871.

to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Article II.

The present convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months, after the Government of the United States on the one part, or the Free and Hanseatic Republicks of Hamburg, Bremen, or Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years. And it is hereby agreed that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Free and Hanseatic Republicks aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive notice of the termination of the same, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republicks or Republick, which may not have given or received such notice.

Article III.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Senates of the Free and Hanseatic Republicks of Hamburg, Bremen, and Lubeck; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in quadruplicate, at the city of Washington, on the thirtieth day of April, A. D. one thousand eight hundred and fifty-two, in the seventy-sixth year of the Independence of the United States of America.

[SEAL.] DAN'L WEBSTER.
[SEAL.] A. SCHUMACHER.

HAWAIIAN ISLANDS.

The cession of the Hawaiian Islands to the United States having been accepted by the resolution approved by the President July 7, 1898, (U. S. Stats. Vol. 30, p. 75.), the treaties with that country terminated upon the formation of the government for the Islands.

1849.[a]

Treaty of Friendship, Commerce, and Navigation and Extradition.

Concluded December 20, 1849; ratification advised by the Senate January 14, 1850; ratified by the President February 4, 1850; ratifications exchanged August 24, 1850; proclaimed November 9, 1850.

Articles.

I. Amity.
II. Commerce and navigation.
III. Duties, bounties, etc.
IV. Tonnage duties.
V. Coasting trade.
VI. Steam vessels carrying mail.
VII. Whale ships.
VIII. Reciprocal privileges of citizens.
IX. Reciprocal privileges in business.
X. Consuls.
XI. Religious liberty.
XII. Shipwrecks.
XIII. Asylum for vessels.
XIV. Extradition.
XV. Mail arrangements.
XVI. Duration.
XVII. Ratification.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce, and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as his special Commissioner to the Government of the United States;

Who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

Article I.

There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors.

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[a] This treaty terminated on cession of Islands to United States.

Article II.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage that the subjects or citizens of any other State shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Article III.

All articles, the produce or manufacture of either country, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges, than shall be payable upon the like goods and articles when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture.

Article IV.

No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage if in ballast, which shall not be equally imposed in the like cases on national vessels.

Article V.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ARTICLE VI.

Steam-vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-house, quarantine, or other similar duties, of whatever nature or under whatever denomination.

ARTICLE VII.

The whale-ships of the United States shall have access to the ports of Hilo, Kealakekua, and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels; and in all the above-named ports they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars ad valorem for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars ad valorem for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Lahaina and Honolulu; and in all the ports named in this article the whale-ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities which are enjoyed by, or shall be granted to, the whale-ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands above named in this article not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States having on board any disease usually regarded as requiring quarantine to enter, during the continuance of such disease on board, any port of the Sandwich Islands other than Lahaina or Honolulu.

ARTICLE. VIII.

The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands and the subjects of his said Majesty in the United States of America, that they shall have free and undoubted right to travel and reside

in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction on the part of the Government of the respective States. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretence whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations in the respective States of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively.

Article IX.

The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall

they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the States and domains of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands, farther than such sale may be allowed by the Hawaiian laws.

Article X.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the States and dominions of the contracting parties, or give such security for their good conduct as the law may require. But, if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offence, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XI.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable

to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

Article XII.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Article XIII.

The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the State, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

Article XIV.

The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had there been committed. And the respective judges and other magistrates of the two Governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the per-

son so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Article XV.

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular post-office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post-office, and despatched to ports of the United States; the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government with their postages as established by law, and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States, and forwarded to San Francisco, or other ports on the Pacific coast of the United States, whence the postmasters shall despatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the Post-Office Department of the United States with the United States' rates charged thereupon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

Article XVI.

The present treaty shall be in force from the date of the exchange of the ratifications, for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two Governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Hawaiian Islands, by and with the advice of his Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their seals.

Done at Washington, in the English language, the twentieth day of December, in the year one thousand eight hundred and forty-nine.

[SEAL.] JOHN M. CLAYTON.
[SEAL.] JAMES JACKSON JARVES.

1875.[a]

TREATY OF RECIPROCITY.

Concluded January 30, 1875; ratification advised by the Senate March 18, 1875; ratified by the President May 31, 1875; ratifications exchanged June 3, 1875; proclaimed June 3, 1875.

ARTICLES.

I. Hawaiian products to be admitted.
II. American products to be admitted.
III. Evidence as to growth and manufacture.
IV. Export duties.
V. Duration.
VI. Ratification.

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a Convention for Commercial Reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Honorable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Honorable Henry A. P. Carter, Member of the Privy Council of State, His Majesty's Special Commissioner to the United States of America.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles.

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention and as an equivalent therefor, the United

[a] Terminated on cession of islands to United States. Federal case. Netherclift *v.* Robertson (23 Blatch., 548).

States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

SCHEDULE.

Arrow-root; castor oil; bananas, nuts, vegetables, dried, and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" syrups of sugar-cane, melado, and molasses; tallow.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty, the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture or produce of the United States of America, into all the ports of the Hawaiian Islands, free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham and all fresh, smoked or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime and cement; butter, cheese, lard, tallow, bullion; coal, cordage, naval stores including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton bleached, and unbleached, and whether or not colored, stained, painted or printed; eggs; fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel and manufactures thereof; leather; lumber and timber of all kinds, round, hewed, sawed, and unmanufactured in whole or in part; doors, sashes and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper, stationery and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees and seeds; rice; sugar, refined or unrefined; salt; soap; shooks, staves and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages; textile manufactures, made of a combination of wool, cotton, silk or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture or produce of the United States of America or of the Hawaiian Islands respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty, under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by his Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years,[a] from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington city, within eighteen months from the date hereof, or earlier if possible.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed this present convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the thirtieth day of January, in the year of our Lord, one thousand eight hundred and seventy-five.

[SEAL.] HAMILTON FISH.
[SEAL.] ELISHA H. ALLEN.
[SEAL.] HENRY A. P. CARTER.

[a] Time extended by convention of January 30, 1884, p. 919.

1876.

Protocol of a Conference Between the Acting Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Hawaiian Islands.

Held at Washington on the ninth day of September, 1876.

Whereas it is provided by Article V of the Convention between the United States of America and His Majesty the King of the Hawaiian Islands concerning commercial reciprocity signed at Washington on the 30th day of January 1875, as follows:

"Article V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until the law to carry it into operation shall have been passed by the Congress of the United States of America, such assent having been given, and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter."

And whereas the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States:

And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January eighteen hundred and seventy-five," which was approved on the 15th day of August in the year 1876:

And whereas an act was passed by the Legislative Assembly of the Hawaiian Islands, entitled "An act to carry into effect a Convention between His Majesty the King and the United States of America, signed at Washington on the 30th day of January, 1875," which was duly approved on the 18th day of July, in the year 1876.

And whereas the ratifications of the said Convention have been exchanged as provided in Article VI.

The undersigned William Hunter, Acting Secretary of State of the United States of America, and the Honorable Elisha H. Allen, Chief Justice of the Supreme Court, chancellor of the Kingdom, member of the Privy Council of State, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and having found the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to

carry the said Treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the Convention aforesaid concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate, at Washington, this ninth day of September, one thousand eight hundred and seventy-six.

[SEAL.] W. HUNTER.
[SEAL.] ELISHA H. ALLEN.

1884.[a]

RECIPROCITY CONVENTION.

Concluded December 6, 1884; ratification advised by the Senate with amendments January 20, 1887; ratified by the President November 7, 1887; ratification exchanged November 9, 1887.

ARTICLES.

I. Duration of convention of 1875 extended.
II. Coaling station.
III. Ratification.

Whereas a convention was concluded between the United States of America, and His Majesty the King of the Hawaiian Islands, on the thirtieth day of January, 1875, concerning commercial reciprocity, which by the fifth article thereof, was to continue in force for seven years from the date after it was to come into operation, and further, until the expiration of twelve months after either of the High Contracting Parties should give notice to the other of its wish to terminate the same; and

Whereas, the High Contracting Parties consider that the increase and consolidation of their mutual commercial interests would be better promoted by the definite limitation of the duration of the said convention;

Therefore, the President of the United States of America, and His Majesty the King of the Hawaiian Islands, have appointed:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State; and

His Majesty the King of the Hawaiian Islands, Henry A. P. Carter, accredited to the Government of the United States, as His Majesty's Envoy Extraordinary and Minister Plenipotentiary;

Who, having exchanged their respective powers, which were found sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties agree, that the time fixed for the duration of the said convention, shall be definitely extended for a term of seven years from the date of the exchange of ratifications

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[a] Terminated on cession of islands to the United States.

hereof, and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

ARTICLE II.[a]

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

ARTICLE III.

The present convention shall be ratified and the ratifications exchanged at Washington, as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have hereunto affixed their respective seals.

Done at the city of Washington the 6th day of December, in the year of our Lord 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] HENRY A. P. CARTER.

[a] This article is an amendment of the Senate which was accepted by the Hawaiian Government.

HAYTI.

(HAITI.)

1864.

TREATY OF AMITY, COMMERCE AND NAVIGATION, AND EXTRADITION.[a]

Concluded November 3, 1864; ratification advised by the Senate January 17, 1865; ratified by the President May 18, 1865; ratifications exchanged May 22, 1865; proclaimed July 6, 1865.

ARTICLES.

I. Amity.
II. Most favored nation treatment.
III. Immunity in case of war.
IV. Confiscations prohibited.
V. Personal exemptions of citizens.
VI. Trade privileges.
VII. Privacy of books and papers.
VIII. Religious freedom.
IX. Disposal of personal property.
X. Imports.
XI. Exports.
XII. Coasting trade.
XIII. Equality of duties and prohibitions.
XIV. Discriminating duties.
XV. Rights of asylum.
XVI. Shipwrecks.
XVII. Neutrality of vessels.
XVIII. Blockades.
XIX. Free ships, free goods.
XX. Contraband articles.
XXI. Goods not contraband.
XXII. Merchant ships.
XXIII. Papers of neutral vessels.
XXIV. Right of search.
XXV. Ships under convoy.
XXVI. Captures.
XXVII. Care of property captured.
XXVIII. Prize courts.
XXIX. Entry of captured vessels.
XXX. Restriction on foreign privateers.
XXXI. Letters of marque forbidden.
XXXII. Diplomatic privileges.
XXXIII. Consular service.
XXXIV. Exequators.
XXXV. Consular privileges.
XXXVI. Deserters from ships.
XXXVII. Consular convention to be concluded.
XXXVIII. Extradition of fugitives from justice.
XXXIX. Extraditable crimes.
XL. Surrender; expenses.
XLI. Political offenses.
XLII. Duration.
XLIII. Ratification.

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of amity, commerce, and navigation, and for the extradition of fugative criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

The President of the United States, Benjamin F. Whidden, Commissioner and Consul General of the United States to the Republic of Hayti; and the President of Hayti, Boyer Bazelais, Chef d'Escadron, his Aide-de-Camp and Secretary;

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[a] Denounced by Haiti to take effect May 7, 1905.

Who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted, or may hereafter grant, to the citizens or subjects of any other Government, nation, or State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other Government, nation or State shall have been gratuitous; or in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE III.

If by any fatality (which cannot be expected, and which God forbid) the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and their effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures which privateers may attempt against their persons and effects.

ARTICLE IV.

Neither the money, debts, shares in the public funds or in banks, or any other property, of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

ARTICLE V.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military duty by sea or by land, and from all forced

loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE VI.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well as in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required; for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

ARTICLE VII.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge.

ARTICLE VIII.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions or worship provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

ARTICLE IX.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like

cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated.

ARTICLE X.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation.

And reciprocally, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation.

ARTICLE XI.

It is also hereby agreed that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may in like manner be exported or re-exported in vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It is also understood that the foregoing principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE XII.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

ARTICLE XIII.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Hayti, nor in Hayti on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

ARTICLE XIV.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XV.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels, and placing themselves in a condition to continue their voyage without obstacle or hindrance of any kind.

And the provisions of this article shall apply to privateers or private vessels of war, as well as public, until the two high contracting parties may relinquish that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE XVI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in like cases.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like cases by national vessels.

ARTICLE XVII.

It shall be lawful for the citizens of either Republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from ports and places of those

who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several Powers, unless such ports or places are blockaded, besieged, or invested.

Article XVIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article XIX.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.

2nd. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

Article XX.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4. And, generally, all offensive or defensive arms, made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

Article XXI.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

Article XXII.

In time of war the merchant ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there may be just grounds of suspicion, shall be obliged to exhibit not only their passports, but likewise their certificates, showing that their goods are not of the quality of those specified as contraband in this treaty.

Article XXIII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, it is hereby agreed that when one party shall be engaged in war, and the other party shall be neutral, the vessels of the neutral party shall be furnished with passports, that it may appear thereby that they really belong to citizens of the neutral party. These passports shall be valid for any number of voyages, but shall be renewed every year.

If the vessels are laden, in addition to the passports above named they shall be provided with certificates, in due form, made out by the officers of the place whence they sailed, so that it may be known whether they carry any contraband goods. And if it shall not appear from the said certificates that there are contraband goods on board, the vessels shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such vessel, and the commander of the same shall offer to deliver them up, that offer shall be accepted and a receipt for the same shall be given, and the vessel shall be at liberty to pursue her voyage unless the quantity of contraband goods be greater than can be conveniently received on board the ship of war or privateer, in which case, as in all other cases of just detention, the vessel shall be carried to the nearest safe and convenient port for the delivery of the same.

In case any vessel shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the vessel belongs to citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

ARTICLE XXIV.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that whenever a ship of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any purpose whatever.

ARTICLE XXV.

It is expressly agreed by the high contracting parties that the stipulations before mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applicable only to ships sailing without a convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall have on board contraband goods destined to an enemy.

ARTICLE XXVI.

Whenever vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXVII.

That proper care may be taken of the vessel and cargo, and embezzlement prevented in time of war, it is hereby agreed that it shall not be lawful to remove the master, commander, or supercargo of any

captured vessel from on board thereof, during the time the vessel may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXVIII.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and all of the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIX.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nation.

ARTICLE XXX.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXXI.

No citizen of Hayti shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citi-

zens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen of the said United States, or of any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Hayti, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXXII.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the Envoys, Ministers, and other diplomatic agents, of any other Power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXXIII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation.

ARTICLE XXXIV.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE XXXV.

It is also agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize or in any way interfere with them.

FOREIGN MISSIONS LIBRARY,
156 Fifth Avenue, New York.

ARTICLE XXXVI.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XXXVII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXVIII.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ARTICLE XXXIX.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning,) attempt to commit murder, piracy, rape, forgery, the counterfeiting of money, the utterance of forged paper, arson, robbery, and embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XL.

The surrender shall be made, on the part of each country, only by the authority of the Executive thereof. The expenses of the deten-

tion and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XLI.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver up its own citizens under the provisions of this treaty.

ARTICLE XLII.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid.

ARTICLE XLIII.

The present treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have herunto affixed their seals.

Done, in duplicate, at the city of Port au Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] B. F. WHIDDEN.
[SEAL.] BOYER BAZELAIS.

1884.

PROTOCOL OF AN AGREEMENT FOR SUBMISSION TO AN ARBITRATOR OF THE CLAIMS OF ANTONIO PELLETIER AND A. H. LAZARE, AGAINST HAYTI.

Signed May 28, 1884.

PROTOCOL OF AN AGREEMENT FOR THE SUBMISSION TO AN ARBITRATOR OF THE CLAIMS KNOWN AS THE PELLETIER AND LAZARE CLAIMS AGAINST HAYTI.

Whereas, the Government of the United States of America has presented to the Government of Hayti, the claims of Antonio Pelletier and A. H. Lazare for indemnity for acts against person and property alleged to have been done by Haytien authorities; and

Whereas, the Government of Hayti has persistently denied its liability in the premises; and

Whereas, the Honorable William Strong, formerly one of the Justices of the Supreme Court of the United States of America, inspires both the contracting parties with full confidence in his learning, ability and impartiality: therefore

The undersigned Frederick T. Frelinghuysen, Secretary of State of the United States, and Stephen Preston, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Hayti, duly empowered thereto by their respective Governments, have agreed upon the stipulations contained in the following articles.

Article I.

The said claims of Antonio Pelletier and A. H. Lazare against the Republic of Hayti shall be referred to the said Honorable William Strong, as sole Arbitrator thereof, in conformity with the conditions hereinafter laid down.

Article II.

The following facts as to these two claims are admitted by the Government of Hayti.

AS TO ANTONIO PELLETIER:

That Pelletier was master of the bark "William", which vessel entered Fort Liberté about the date claimed (31st of March 1861); that the master and crew were arrested and tried on a charge of piracy and attempt at slave trading; that Pelletier, the master, was sentenced to be shot and the mate and other members of the crew to various terms of imprisonment; that the Supreme Court of Hayti reversed the judgment as to Pelletier, and sent the case to the Court at Cape Haytien, where he was retried, and sentenced to five years' imprisonment; and that the vessel, with her tackle, was sold, and the proceeds divided between the Haytien Government and the party who, claiming to have suffered by her acts, proceeded against the vessel in a Haytian tribunal.

AS TO A. H. LAZARE:

That Lazare entered into a written contract with the Haytian Government, September 23, 1874, for the establishment of a National Bank at Port-au-Prince, with branches,—the capital being fixed first at $3,000,000, and afterwards reduced to $1,500,000 of which capital the Government was to furnish one-third part and Lazare two-thirds; that the Bank was to be opened in one year from the date of the contract, and an extension of forty-five days on this time was granted on Lazare's request; and that on the day when the Bank was to be opened the Haytian Government, alleging that Lazare had not fulfilled his part of the engagement, declared, in accordance with the stipulations of Article 24 of the agreement, the contract null and void, and forfeited on his, Lazare's, part.

Article III.

The said Arbitrator shall receive and examine all papers and evidence relating to said claims, which may be presented to him on behalf of either Government.

If, in presence of such papers and evidence so laid before him, the said Arbitrator shall request further evidence, whether documentary, or by testimony given under oath before him or before any person duly commissioned to that end, the two Governments, or either of them, engage to procure and furnish such further evidence by all means within their power, and all pertinent papers on file with either Government shall be accessible to the said Arbitrator.

Both Governments may be represented before said Arbitrator by Counsel, who may submit briefs, and may also be heard orally if so desired by the Arbitrator.

ARTICLE IV.

Before entering upon the discharge of his duties, the said Arbitrator shall subscribe to the following declaration:

"I do solemnly declare that I will decide impartially the claims of Antonio Pelletier and A. H. Lazare preferred on behalf of the Government of the United States against the Government of the Republic of Hayti; and that all the questions laid before me by either Government in reference to said claims shall be decided by me according to the rules of International Law existing at the time of the transactions complained of."

ARTICLE V.

The said Arbitrator shall render his decision, separately, in each of the aforesaid cases, within one year from the date of this agreement.

ARTICLE VI.

The High Contracting parties will pay equally the expenses of the Arbitration hereby provided; and they agree to accept the decision of said Arbitrator in each of said cases, as final and binding, and to give to such decision full effect and force, in good faith, and without unnecessary delay or any reservation or evasion whatsoever.

In witness whereof, the undersigned have hereunto set their hands and seals this twenty-eighth day of May, 1884.

FREDK. T. FRELINGHUYSEN. [SEAL.]
STEPHEN PRESTON. [SEAL.]

1885.

ADDITIONAL PROTOCOL OF AGREEMENT FOR AN EXTENSION OF THE TERM IN WHICH DECISION OF THE UMPIRE MAY BE GIVEN.

Signed March 20, 1885.

ADDITIONAL PROTOCOL OF AGREEMENT MADE FOR THE PURPOSE OF EXTENDING TO THE 28 JULY, 1885, THE TERM PROVIDED BY THE PROTOCOL OF AGREEMENT SIGNED AT WASHINGTON FOR THE SUBMISSION TO AN ARBITRATION OF THE CLAIMS CALLED LAZARE AND PELLETIER.

Whereas the Government of the United States has expressed to the Haytian Government the belief that the decision of the Arbitrator named in virtue of the Protocol of agreement, signed at Wash-

ington, the 28 May 1884, for the consideration of the said claims cannot be rendered the 28 May next, conformably to the provisions of Article V. of the said Protocol;

Whereas a new delay is thus recognized as necessary to favour the decision by arbitration;

Whereas the Government of the United States having proposed the 28 July of the present year as the final term, the Haytian Government, on its part accepts the date of the 28 July, 1885 as the last delay for the consideration of the claims Lazare and Pelletier;

For these considerations and reasons;

The undersigned, John Mercer Langston, Minister Resident of the United States of America in Hayti, and Brenor Prophète, General of Division, Secretary of State of War and of the Marine, charged par interim of the portfolio of Foreign Relations, duly empowered by their respective Governments, have concluded the agreement contained in the following article:

SOLE ARTICLE.

The date of the 28 July 1885, is fixed as the last delay in which shall be delivered the decision of the Arbitrator charged to consider the claims known under the name of claims Lazare and Pelletier.

In witness whereof the undersigned have hereunto set their hands and seals this twentieth day of the month of March 1885.

JOHN MERCER LANGSTON [SEAL.]
B. PROPHÈTE. [SEAL.]

The award in the claims of Pelletier and Lazare against Haiti was made July 13, 1885, in the sum of $57,250 and $117,500, respectively. This award was set aside by the Secretary of State.

1888.

PROTOCOL OF AN AGREEMENT FOR SUBMISSION TO AN ARBITRATOR OF THE CLAIM OF CHARLES ADRIEN VAN BOKKELEN.

Signed May 24, 1888.

The United States of America and the Republic of Hayti, being mutually desirous of maintaining the good relations that have so long subsisted between them and of removing, for that purpose, all causes of difference, their respective representatives, that is to say: Thomas F. Bayard, Secretary of State of the United States, and Stephen Preston, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Hayti, have agreed upon and signed the following protocol:

1. It having been claimed on the part of the United States that the imprisonment of Charles Adrien Van Bokkelen, a citizen of the United States, in Hayti, was in derogation of the rights to which he was entitled as a citizen of the United States under the treaties between the United States and Hayti, which the Government of the latter country denies, it is agreed that the questions raised in the cor-

respondence between the two Governments in regard to the imprisonment of the said Van Bokkelen shall be referred to the decision of a person to be agreed upon by the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Hayti.

2. The referee so chosen shall decide the case upon such papers as may be presented to him by the Secretary of State of the United States and the Minister of Hayti respectively, within two months after the date of his appointment; but he shall not take into consideration any question not raised in the correspondence between the two Governments prior to the date of the signature of this protocol.

3. Each Government shall submit with the papers presented by it a brief of argument, and should the referee so desire, he may require further argument, oral or written, to be made within five months from the date of his appointment. He shall render his decision within six months from said date.

4. A reasonable fee to the Referee shall be paid by the Government of Hayti.

5. Any award made shall be final and conclusive and, if in favor of the claimant, shall be paid by the Government of Hayti within twelve (12) months of the date of such award.

Done in duplicate, at Washington this 24th day of May, one thousand eight hundred and eighty-eight.

T. F. BAYARD. [SEAL.]
STEPHEN PRESTON. [SEAL.]

The award under the foregoing protocol was rendered on December 4, 1888, under which the claimant was awarded the sum of $60,000.

1899.

PROTOCOL OF AN AGREEMENT.[a]

Signed at Washington, October 18, 1899.

PROTOCOL OF AN AGREEMENT BETWEEN THE UNITED STATES AND HAITI, FOR THE ARBITRATION OF THE QUESTION OF THE LIABILITY AND AMOUNT OF DAMAGES TO BE AWARDED JOHN D. METZGER AND COMPANY.

Signed at Washington, October 18, 1899.

Protocol of an agreement between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Haiti, for submission to an arbitration of the question of liability and amount of damages to be awarded in favor of John D. Metzger and Company, American citizens, against the Republic of Haiti, signed at Washington.

The United States of America and the Republic of Haiti, through their representatives, JOHN HAY, Secretary of State of the United States of America, and J. N. LÉGER, Envoy Extraordinary and Min-

[a] Award, page 939.

ister Plenipotentiary of the Republic of Haiti, have agreed upon and signed the following protocol:—

Whereas, the said John D. Metzger and Company, citizens of the United States of America, have claimed, through the Government of the United States, from the Government of Haiti, indemnity on account of the seizure and sale of their goods at Port-au-Prince for the non-payment of certain license taxes; and on account of the alleged failure to furnish them an adequate supply of water for the operation of their mill at Port-au-Prince; and on account of the alleged liability of Haiti on account of a quantity of lumber alleged to have been sold by them for a Relief Committee on the occasion of devastation by fire at Jacmel, it is agreed between the two Governments:—

I.

That the question of the liability of the Republic of Haiti to pay an indemnity in each of said cases, and, if so found by the arbitrator, the further question of the amount of the said indemnity to be awarded, shall be referred to the Honorable William R. Day, sometime Secretary of State of the United States, and now Judge of the Circuit Court thereof, who is hereby appointed as arbitrator to hear said causes and to determine the questions of said liability and the amount of said indemnity, if any is found by said arbitrator to be justly due.

II.

The Government of the United States will lay before the arbitrator the claimants' evidence and all correspondence, either between the Haitien Government and the United States Minister at Port-au-Prince, or between the Department of State and the Haitien Minister at Washington, and the despatches with their enclosures from the said Minister, reporting documentary or other evidence to the Department of State in relation to said claims.

Reciprocally, the Haitien Government shall have the same rights of presentation of evidence in its own behalf, as are above stipulated for the Government of the United States.

Each Government will furnish to the other a duplicate of the evidence and correspondence at the same time they are by them respectively laid before the arbitrator.

If, in the opinion of the arbitrator, it shall be deemed desirable, in the interests of justice, to take further evidence, he shall communicate to both parties his opinion, and shall indicate the questions of fact on which the same shall be taken. Likewise, either Government, on notice to the other, may apply to him for that purpose. Each Government shall, in case the arbitrator orders the taking, name an agent to take such evidence, in its own behalf, who shall each have the right to be present at the taking thereof, and to cross-examine the witnesses and take copies of documentary evidence offered by the other. All questions of procedure shall be left to the determination of the arbitrator. Each Government agrees to abide by such determination, and in default thereof, the said arbitrator may proceed in such manner and at such times as he may determine, in order to close the proofs and make final award.

III.

The Government of Haiti agrees to pay any amount or amounts which may be awarded by the arbitrator, if he finds that it is liable therefor.

IV.

The evidence is to be submitted to the arbitrator and finally closed on or before the 1st day of March, 1900, and his decision is to be rendered within four months thereafter.

V.

Each Government shall furnish to the arbitrator an argument or brief not later than the 1st day of April, 1900, a copy of which each party shall furnish to the other at the same time as to the arbitrator, and the claimant and the Commune of Port-au-Prince may also file briefs in the cause on the same terms; but the arbitrator need not for such purpose delay his decision.

VI.

The Government of Haiti shall pay the indemnity awarded by the arbitrator, if any, as soon as the Legislative Assembly of Haiti shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision is pronounced, unless an extension of time of its payment should be granted by the Government of the United States.

VII.

Reasonable compensation to the arbitrator for all his services and expenses, and the other expenses of said arbitration, are to be paid in equal moieties by the said Governments.

VIII.

Any award given by the arbitrator shall be final and conclusive.

Done in duplicate in English and in French, at Washington, this 18th day of October, 1899

JOHN HAY
J. N. LÉGER

1900.

SUPPLEMENTAL PROTOCOL.

June 30, 1900.

Supplemental protocol to the agreement of October 18. 1899, between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Haiti, submitting to arbitration the claim of John D. Metzgar and Company against Haiti, signed at Washington June 30, 1900.

SUPPLEMENTARY PROTOCOL.

Whereas a protocol was signed at Washington on October 18, 1899, between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Haiti, for submission to an arbitrator of certain issues involved in the claim of John D. Metzgar and Company against Haiti, as specified in the said protocol; and

Whereas it is stipulated in article 4 of said protocol as follows, to wit:

"The evidence is to be submitted to the arbitrator and finally closed on or before the 1st day of March 1900 and his decision is to be rendered within four months thereafter;"

It is agreed between the two Governments that said article 4 be, and the same is, hereby, amended to read as follows to wit:

"The evidence is to be submitted to the arbitrator and finally closed on or before the 1st day of March, 1900, and his decision is to be rendered by the first day of October 1900."

Done in duplicate in English and French at Washington, this 30th day of June 1900.

JOHN HAY.
J. N. LEGER.

The arbitrator under the foregoing protocol, the Hon. Wm. R. Day, rendered his award on the 27th of September, 1900, awarding $23,000 in favor of the claimant.

1902.

NATURALIZATION TREATY.

Concluded March 22, 1902; ratification advised by Senate February 1, 1904; ratified by President March 17, 1904; ratifications exchanged March 19, 1904; proclaimed, March 24, 1904.

ARTICLES.

I. Reciprocal recognition of citizens.
II. Renunciation of nationality.
III. Intent to return.
IV. Punishment of citizens.
V. Declaration of intention.
VI. Duration.
VII. Ratification.

The United States of America and the Republic of Haiti desiring to regulate the citizenship of those persons who may emigrate from the United States to Haiti, or from Haiti to the United States, have resolved to conclude a treaty on this subject.

For that purpose they have appointed their Plenipotentiaries, to-wit:

The President of the United States: John Hay, Secretary of State of the United States;

The President of Haiti: Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Washington;

Who, after the mutual communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of the United States of America who shall have been duly naturalized as citizens of Haiti, and who shall have resided uninterruptedly in Haiti during a period of five years, shall be recognized by the United States as citizens of Haiti.

Reciprocally, citizens of Haiti who shall have been duly naturalized as citizens of the United States of America, and who shall have resided uninterruptedly in the United States during a period of five years, shall be recognized by Haiti as citizens of the United States.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ARTICLE II.

The person who, after having become a naturalized citizen of one of the contracting States, shall return to live in the country of his origin, without intention to return to the country where he has been naturalized, shall be considered as having renounced the nationality obtained through naturalization.

ARTICLE III.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE IV.

The naturalized citizens of either State who return to their country of origin, will be there liable to prosecution and punishment in conformity to the laws for the crimes or misdemeanors committed before their emigration and that are not covered by the statute of limitations.

ARTICLE V.

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE VI.

The present treaty shall remain in force for ten years from the date of the exchange of ratifications; and unless one of the contracting parties shall notify the other of its intention to terminate it one year before the expiration of that period, the said treaty shall continue in force from year to year until the expiration of one year after official notice shall have been given by either of the contracting governments of a purpose to terminate it.

ARTICLE VII.

The present treaty shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contract-

ing parties, and the ratifications shall be exchanged at Washington as soon as possible within twelve months from the date hereof.

Done in duplicate at the City of Washington, in the English and French languages this twenty-second day of March, 1902.

JOHN HAY [SEAL.]
J. N. LÉGER [SEAL.]

1903.

SUPPLEMENTAL NATURALIZATION CONVENTION.

Concluded February 28, 1903; Ratification advised by the senate February 1, 1904; ratified by the President March 17, 1904; ratifications exchanged March 19, 1904; proclaimed March 24, 1904.

The United States of America and the Republic of Haiti, considering it expedient to prolong the period within which, by Article VII of the treaty of naturalization, signed by their respective plenipotentiaries at Washington on March 22, 1902, the exchange of ratifications of the said treaty shall take place, have for that purpose appointed their respective Plenipotentiaries, namely: The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of Haiti, Mr. J. N. Leger, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Washington:

Who, after having communicated each to the other, their respective full powers, found in good and due form, have agreed upon the following additional article to be taken as part of said treaty.

SOLE ARTICLE.

The respective ratifications of the said treaty shall be exchanged as soon as possible and within twelve months from March 22, 1903.

Done in Duplicate at Washington in the English and French languages this 28th day of February A. D. 1903.

JOHN HAY [SEAL.]
J. N. LEGER [SEAL.]

1904.

EXTRADITION CONVENTION.

Concluded August 9, 1904; ratification advised by the senate December 15, 1904; ratified by the President June 17, 1905; ratifications exchanged June 28, 1905.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Attempt to commit crimes.
IV. Nondelivery of citizens.
V. Deferring extradition.
VI. Persons claimed by other countries.
VII. Political offenses.
VIII. Offense for which to be tried.
IX. Provisional detention.
X. Demand; requisition.
XI. Procedure.
XII. Property found on accused.
XIII. Expenses.
XIV. Insular possessions.
XV. Duration.
XVI. Ratification.

The United States of America and the Republic of Haiti, wishing to insure the proper administration of justice, have resolved to con-

clude a treaty for the purpose of mutually surrendering persons who, being charged with one of the crimes hereinafter specified, or having been sentenced for one of these crimes, shall, by flight, have escaped judicial prosecution or the consequences of their sentence.

To this end they have appointed their Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and,

The President of the Republic of Haiti, Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Washington;

Who, after having communicated their respective full powers, found in good and due form, have agreed on the following articles:

Article I.

The High Contracting Parties agree to deliver up to their respective justice, persons who, being accused or convicted of any of the crimes hereinafter enumerated, committed within the limits of jurisdiction of the demanding party, shall have afterwards taken refuge or shall be found in the territory of the other; provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

The crimes for which extradition shall be granted are the following:

1. Murder (including assassination, parricide, infanticide, poisoning, and voluntary manslaughter.)

2. Counterfeiting of money, either coin or paper; utterance or circulation of counterfeit or altered money; introduction of counterfeit or altered money into the territory of one of the Contracting Parties.

3. Counterfeiting of any securities issued by one of the Contracting Parties, of bonds or coupons of the public debt, of bank notes or other instruments of credit authorized by law; utterance, use, or introduction, in the territory of one of the Parties, of the aforementioned counterfeit or falsified securities or notes.

4. Forging of the public or private documents; use of forged documents.

5. Larceny; robbery, or that which corresponds to the crime provided for and punished by the laws of Haiti as theft committed with arms in hand or by violence or threats, or on the public highways; burglary, or that which corresponds to the crime provided for and punished by the laws of Haiti as theft committed by breaking or climbing into, or using false keys, or at night in a place inhabited or used as a dwelling.

6. Embezzlement by public officers or by persons hired or salaried, to the detriment of their employers; provided, that the amount of money or value of the property embezzled is not less than two hundred dollars.

7. Arson; destruction of railways, bridges, tramways, vessels, public edifices or other buildings, endangering human life.

8. Perjury; subornation of perjury; bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.
9. Rape.
10. Bigamy.
11. Kidnapping of minors.
12. Piracy, as defined by statute or international law.

ARTICLE III.

Extradition shall also be granted for the attempt to commit one of the crimes above enumerated, and against any accomplice of these crimes or attempts at crimes, when such complicity and attempt are punishable by the laws of the Party demanding the extradition.

ARTICLE IV.

Neither of the Contracting Parties shall be obliged to deliver up its own citizens.

ARTICLE V.

If the person claimed is under prosecution, either in the United States or Haiti, for any other crime than that upon which the demand for extradition is based, the extradition shall be postponed until the judgment is pronounced, and, if the person is convicted, until the sentence imposed is fully served or remitted.

The extradition may also be postponed when the person claimed is being prosecuted for a civil offense in the country of which the demand is made. In this case it will not take place until after the execution of the judgment or the remission of the penalty.

ARTICLE VI.

A fugitive who shall have been claimed at the same time by two or more States, shall be delivered up to the State which has first presented its demand; provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE VII.

The provisions of the present treaty shall not apply to offenses of a political character. The assassination or poisoning of the head of a government, or any other attempt against the life of the head of a government, shall not be considered as a crime of a political character.

A person whose extradition shall have been granted on account of one of the crimes mentioned in Article II of this Convention shall not, in any case, be tried for a political offense or for an act connected with a political offense committed prior to the demand for extradition, unless such person has had abundant opportunity to quit the country during the month following that in which he was set at liberty either as a result of acquittal, expiration of his sentence, or pardon.

ARTICLE VIII.

A person surrendered cannot, without the consent of the State which has granted the extradition, be detained or tried in the State which has obtained his extradition, for any other crime or causes than those which have given rise to the extradition. This stipulation does not apply to crimes committed subsequently to the extradition.

However, a person who has had ample opportunity to quit the country which has obtained his extradition, and who shall be found there a month after his release by acquittal, the expiration of his sentence, or pardon, may be arrested and tried, without the consent of the State which has granted the extradition, for other crimes than those which have given rise to the demand for extradition.

ARTICLE IX.

Where the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of the formal proofs, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Haitian Government, before a judge or other magistrate authorized to issue warrants of arrest in extradition cases.

In Haiti the diplomatic or consular agent of the United States shall address, through the Ministry of Foreign Relations, a complaint to the government commissioner or any other magistrate authorized to issue warrants of commitment. The provisional arrest and detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of criminality, has not been produced under the stipulations of this Convention within sixty days from the date of his arrest.

ARTICLE X.

Every demand for extradition shall be made through the diplomatic agents of the High Contracting Parties. In case of absence or impediment of these agents, the demand may be presented by the consuls. This demand shall be acted on in conformity with the laws of each of the Parties. Nevertheless, if the person demanded has already been sentenced for one of the crimes hereinbefore enumerated, the requisition shall be merely accompanied by the sentence, duly certified by the competent authority of the State demanding the extradition.

ARTICLE XI.

In Haiti the diplomatic or consular agent of the United States their own laws, the authorities of the State of which the demand is made who are qualified to decide on the demand for extradition, shall admit as entirely valid evidence all depositions or declarations of witnesses coming from the other State, or copies thereof, and warrants issued, provided these documents are signed or certified by a competent magistrate or officer of the State making the demand.

ARTICLE XII.

The objects found in the possession of the fugitive and which were obtained by the perpetration of the crime with which he is

charged, or which may serve to prove his crime, shall be seized at the time of his arrest and delivered together with his person to the party demanding the extradition. Nevertheless, the rights of third persons to the articles so found shall be respected.

ARTICLE XIII.

The expenses of detention, procedure, and delivery, incurred in virtue of the preceding articles, shall be borne by the demanding Party. It is agreed, however, that the State making the demand shall have nothing to pay to the officers of the State to which the demand is addressed who receive fixed salaries; officers who, having no fixed salary, receive fees, shall not demand any other fees than those generally charged in ordinary criminal procedures.

ARTICLE XIV.

The stipulations of the present treaty are applicable to the insular possessions of the United States. In this case the demand shall be addressed to the Governor or principal authority of the possession by the consul of Haiti.

ARTICLE XV.

The present treaty shall remain in force until it is denounced; it shall cease to bind the Parties six months after one of them shall have notified its intention to terminate it.

ARTICLE XVI.

The present treaty shall be approved and ratified by the competent authority of each of the High Contracting Parties, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the foregoing articles, and have affixed their seals.

Done in duplicate at Washington, in English and French, this ninth day of August, nineteen hundred and four.

J. N. LÈGER [SEAL]
J. N. LÉGER [SEAL]

1909.

ARBITRATION CONVENTION.

Signed at Washington, January 7, 1909; ratification advised by the Senate, February 13, 1909; ratified by the President, March 1, 1909; ratifications exchanged at Washington, November 15, 1909; proclaimed November 16, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America, signatory of the two conventions for the Pacific Settlement of International Disputes, concluded at The Hague, respectively, on July 29, 1899, and October

18, 1907, and the Government of the Republic of Haiti, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall, if not submitted to some other arbitral jurisdiction, be referred to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Haiti shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Haiti in accordance with the Constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and French languages at Washington, this 7th day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT [SEAL]
J. N. LÉGER [SEAL]

HESSE.

(See North German Confederation.)

1844.

Convention Abolishing Droit d'Aubaine and Taxes on Emigration.

Concluded March 26, 1844; ratification advised by the Senate June 12, 1844; ratified by the President June 22, 1844; ratifications exchanged October 16, 1844; time for exchange of ratifications extended to July 4, 1845, and exchange previous thereto declared regular by the Senate January 13, 1845; proclaimed May 8, 1845.

Articles.

I. Droit d'aubaine, etc., abolished.
II. Disposition of real estate.
III. Disposition of personal property.
IV. Rights of absent heirs.
V. Inheritance disputes.
VI. Ratification.

The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiation for this purpose.

For the attainment of this desirable object the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse, upon Baron Schaeffer-Bernstein, his Chamberlain, Colonel, Aid-de-Camp, and Minister Resident near His Majesty the King of Prussia;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

Article I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is hereby, and shall remain, abolished, between the two contracting parties, their States, citizens, and subjects, respectively.

Article II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a

term of two years to sell the same, which term may be reasonably prolonged, according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by other acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not hereafter be cited as a precedent, nor in any way operate to the prejudice of the contracting parties.

Done in quadruplicata in the city of Berlin, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] B'ON DE SCHAEFFER-BERNSTEIN.

Note: For stipulations of June 16, 1852, for the mutual delivery of criminals fugitives from justice in certain cases, between the United States and the Elector of Hesse, the Grand Duke of Hesse and on

Rhine, and the Landgrave of Hesse-Homburg, and other powers, see convention of that date with Prussia and other states of the Germanic Confederation.

1868.

Naturalization Convention.

Concluded August 1, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 23, 1869; proclaimed August 31, 1869.

Articles.

I. Naturalization recognized.
II. Prior offenses.
III. Extradition.
IV. Renunciation of acquired citizenship.
V. Duration.
VI. Ratification.

Whereas an agreement was made on the 22d of February 1868 between the United States of America and the North German Confederation, to regulate the citizenship of those persons, who emigrate from the United States of America to the territory of the North German Confederation and from the North German Confederation to the United States of America and whereas this agreement by publication in the bulletin of the laws of that Confederation has obtained binding force in the parts of the Grand Duchy of Hesse belonging to the North German Confederation, it has seemed proper in like manner to establish regulations respecting the citizenship of such persons as emigrate from the United States of America to the parts of the Grand Duchy of Hesse not belonging to the North German Confederation and from the above described parts of Hesse to the United States of America.

The President of the United States of America and His Royal Highness the Grand Duke of Hesse and by Rhine have therefore resolved to treat on this subject, and for that purpose have appointed plenipotentiaries to conclude a convention, that is to say:

the President of the United States of America:

George Bancroft, Envoy extraordinary and Minister plenipotentiary and

His Royal Highness the Grand Duke of Hesse and by Rhine,

Dr. Frederick Baron von Lindelof, President of his council of State, Minister of Justice, & actual Privy Counsellor,

who have agreed to, and signed the following articles:

Article 1.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America, who have become, or shall become naturalized citizens of the above described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

ARTICLE 2.

A naturalized citizen of the one party on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country.

ARTICLE 3.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy Hesse on the 16th of June 1852, remains in force, without change.[a]

ARTICLE 4.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally: If an American, naturalized in the Grand Duchy of Hesse, (within the above described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

ARTICLE 5.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE 6.

The present convention shall be ratified by the President of the United States of America and by His Royal Highness the Grand Duke of Hesse and by Rhine etc. The ratification of the first is to take effect by and with the advice and consent of the Senate of the United States; on the Grand Ducal Hessian side, the assent of the

[a] See note bottom page 948.

States of the Grand Duchy is reserved, in so far as it is required by the constitution.

The ratifications shall be exchanged at Berlin within one year of the present date.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Darmstadt. the 1. of August 1868.

GEO. BANCROFT. [SEAL.]
FRIEDRICH FREIHERR VON LINDELOF. [SEAL.]

HONDURAS.

1864.

Treaty of Friendship, Commerce, and Navigation.

Concluded July 4, 1864; ratification advised by the Senate February 20, 1865; ratified by the President March 9, 1865; ratifications exchanged May 5, 1865; proclaimed May 30, 1865.

Articles.

I. Amity.
II. Freedom of commerce; coasting trade.
III. Most favored nation privileges.
IV. Equality of import and export duties.
V. Shipping dues.
VI. Reciprocal treatment of vessels.
VII. Protection of property, etc.
VIII. Disposal of property, etc.
IX. Exemptions from military service, loans, etc.
X. Diplomatic and consular privileges.
XI. Protection in case of war.
XII. General liberties.
XIII. Duration of Articles IV, V, and VI.
XIV. Neutrality of Honduras Interoceanic Railway.
XV. Ratification.

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation. For this purpose they have named their respective Plenipotentiaries, that is to say:

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras; and His Excellency the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Honduras and its citizens on the other.

Article II.

There shall be, between all the Territories of the United States and the Territories of the Republic of Honduras, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respec-

tively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the Territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject, always, to the laws and statutes of the two countries respectively.

In like manner the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter into the same, to anchor and to remain there and refit; subject, always, to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

Article III.

It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Article IV.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed upon the importation into the territories of the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Honduras of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in vessels of Honduras or of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Honduras, whether such importation shall be made in United States or in Honduras vessels.

The same dues shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in vessels of Honduras or of the United States; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the Republic of Honduras to the territories of the United States, whether such exportation shall be made in United States or in Honduras vessels.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Honduras, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras; and absolute freedom, in all cases, shall be allowed to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Honduras, as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of

their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

Article VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

Article IX.

The citizens of the United States residing in the Republic of Honduras, and the citizens of the Republic of Honduras residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

Article X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Diplomatic Agents and Consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted, in the Republic of Honduras to the Diplomatic Agents and Consuls of the most favored nation.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras, it is agreed that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other shall, if residing upon the coast, be allowed six months, and, if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select. And even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining, and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Honduras, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way, or upon any account.

ARTICLE XIII.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of exchange of the ratifications of the present

treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

ARTICLE XIV.

Inasmuch as a contract was entered into by the Government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company," for the construction of a railway from the Atlantic to the Pacific Oceans, through the territories of Honduras, which contract was ratified by the constitutional powers of the State, and proclaimed as a law on the 28th April, 1854; and inasmuch, by the terms of article 5, section VI, of said contract, "the Government of Honduras, with the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engages to open negotiations with the various Governments with which it may have relations for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore, to carry out the obligations thus incurred:

1. The Government of Honduras agrees that the right of way on or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the Government and citizens of the United States for all lawful purposes whatever. No tolls, duties, or charges of any kind shall be imposed by the Government of Honduras on the transit of property belonging to the Government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise, or other property belonging to the citizens of the United States, passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time, be extended to citizens of the United States; and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras, of her own good will, engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure, for the benefit of mankind, the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees, positively and efficaciously, the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the

preceding section of this article. And when the proposed road shall have been completed, the United States equally engages, in conjunction with Honduras, to protect the same from interruption, seizure, or unjust confiscation, from whatsoever quarter the attempt may proceed.

3. Nevertheless, the United States, in according its protection to the said route or road, and guaranteeing its neutrality, when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months notice to the Republic of Honduras.

Article XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Comayagua this fourth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

[SEAL.] Thos. H. Clay.
[SEAL.] M. Colindres.

1908.

Naturalization Convention.

Concluded June 23, 1908; ratification advised by the Senate December 10, 1908; ratified by the President December 26, 1908; ratifications exchanged April 16, 1909; proclaimed June 8, 1909.

Articles.

I. Naturalization recognized.
II. Readmission to former status.
III. Definition of "citizen."
IV. Liability for offenses committed before emigration.
V. Declaration of intention.
VI. Effect; duration; ratification.

The President of the United States of America and the President of the Republic of Honduras, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Honduras, and from Honduras to the United States of America, have resolved to conclude a Convention on this subject; and for that

purpose have appointed their Plenipotentiaries, to conclude a Convention, that is to say:

The President of the United States of America, H. Percival Dodge, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of Honduras; and

The President of Honduras, Señor Licenciado Marcos Lopez Ponce, Sub-Secretary of Foreign Affairs of the Republic of Honduras;

Who, having examined one another's full powers and having found them in due form, have agreed to and signed the following Articles:

ARTICLE I

Citizens of the United States who may or shall have been naturalized in Honduras, upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Honduras. Reciprocally, Honduraneans who may or shall have been naturalized in the United States upon their own application or with their own consent, will be considered by the Republic of Honduras as citizens of the United States.

ARTICLE II

If a Honduranean, naturalized in the United States of America, renews his residence in Honduras, without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally, if a citizen of the United States, naturalized in Honduras, renews his residence in the United States, without intent to return to Honduras, he may be presumed to have renounced his naturalization in Honduras.

The intent not to return may be held to exist when the person naturalized in the one country, resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III

It is mutually agreed that the definition of the word "citizen," as used in this Convention, shall be held to mean a person to whom the nationality of the United States or of Honduras attaches.

ARTICLE IV

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE V

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article VI

The present Convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the Convention it shall continue to be in effect for one year more, to count from the date of such notice.

The present Convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the Contracting Parties, and the ratifications shall be exchanged at Washington or at Tegucigalpa within twenty-four months of the date hereof.

In witness whereof, the Plenipotentiaries of the United States of America and of Honduras have signed this Convention in duplicate and have affixed hereunto their respective official Seals in the City of Tegucigalpa, on the twenty-third day of June, in the year of Our Lord one thousand nine hundred and eight.

[SEAL.] H. Percival Dodge.
[SEAL.] M. Lopez Ponce.

ITALY.

1868.[a]

Consular Convention.

Concluded February 8, 1868; ratification advised by the Senate June 17, 1868; ratified by the President June 22, 1868; ratifications exchanged September 17, 1868; proclaimed February 23, 1869.

Articles.

I. Consuls.
II. Exequaturs.
III. Exemptions.
IV. Consuls as witnesses.
V. Arms and flag.
VI. Archives.
VII. Death or absence of consuls.
VIII. Vice Consuls.
IX. Infraction of treaties.
X. Powers of consuls.
XI. Merchant vessels.
XII. Settlement of disputes.
XIII. Deserters.
XIV. Damages at sea.
XV. Salvage.
XVI. Disposition of property.
XVII. Duration; ratification.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly, they have named:

The President of the United States, William H. Seward, Secretary of State of the United States; His Majesty the King of Italy, the Commander Marcello Cerruti, &c., &c.;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Each of the high contracting parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other Power.

Article II.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition

[a] This Convention was superseded by the Convention of 1878 upon the exchange of ratifications September 17, 1878. In re De Giacema (12 Blatch., 391); Ex parte Fudera (162 Fed. Rep., 591).

of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

ARTICLE III.

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, Federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country, who are merchants or owners of property.

ARTICLE IV.

No consular officer who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

ARTICLE V.

Consuls Generals, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency," of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a legation there.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Article VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Italy, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

Article VIII.

Consuls General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the Consul who appoints them, and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

Article IX.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, may complain to the authorities of the respective countries, whether Federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

Article X.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized, by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

Article XI.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the Federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to consular officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to either the Federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consular officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

Article XII.

In conformity with the act of Congress, (5 [3] March, 1855, "to regulate the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

Article XIII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of Italy in the United States may apply in writing to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belonged to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an

opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen, or subject of a third Power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls-General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective consular agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVII.

The present convention shall remain in force for the space of ten (10) years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington, within the period of six (6) months, or sooner if possible.

In case neither party gives notice, twelve (12) months after the expiration of the said period of ten (10) years, of its intention not to renew this convention, it shall remain in force one (1) year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the eighth day of February, 1868, the ninety-second year of the Independence of the United States of America.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] MARCELLO CERRUTI.

1869.

ADDITIONAL ARTICLE TO CONVENTION OF FEBRUARY 8, 1868.

Concluded January 21, 1869; ratifications exchanged at Washington May 7, 1869; proclaimed May 11, 1869.

The exchange of ratifications of the convention for regulating the jurisdiction of Consuls, between the United States and His Majesty the King of Italy, which was signed on the 8th of February, 1868, having been unavoidably delayed beyond the period stipulated in Article XVII, it is agreed between the high contracting parties that the said convention shall have the same force and effect as it would have had if the exchange had been effected within the stipulated period.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

1868.

EXTRADITION CONVENTION.[a]

Concluded March 23, 1868; ratification advised with an amendment by the Senate June 17, 1868; ratified by the President June 22, 1868; ratifications exchanged September 17, 1868; proclaimed September 30, 1868.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Political offenses.
IV. Persons under arrest.
V. Procedure.
VI. Expenses.
VII. Duration; ratification.

The United States of America and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, William H. Seward, Secretary of State; His Majesty the King of Italy, the Commander Marcello Cerruti, Envoy Extraordinary and Minister Plenipotentiary;

[a] Federal case: In re De Giacoma (12 Blatch., 391).

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

The Government of the United States and the Government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:[a]

1. Murder, comprehending the crimes designated in the Italian penal code by the terms of parricide, assassination, poisoning, and infanticide.
2. The attempt to commit murder.
3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.
4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.
5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or Government acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.
7. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.
8. Embezzlement[b] by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

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[a] Kidnapping added to the list of crimes by Article I of the convention of June 11, 1884.

[b] Amended by convention of January 21, 1869.

ARTICLE IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.[a]

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or in the event of the absence of these from the country or its seat of Government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the twenty-third day of March, A. D. one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

[a]Amended by Article II of the convention of June 11, 1884.

1869.

Extradition Convention.

Concluded January 21, 1869; ratification advised by the senate February 16, 1869; ratified by the President February 23, 1869; ratifications exchanged May 7, 1869; proclaimed May 11, 1869.

It is agreed that the concluding paragraph of the second article of the convention aforesaid shall be so amended as to read as follows:

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

In witness whereof, the respective Plenipotentiaries have signed the present article in duplicate, and have affixed thereto the seal of their arms.

Done at Washington the 21st day of January, 1869.

[SEAL.] William H. Seward.
[SEAL.] M. Cerruti.

1871.

Treaty of Commerce and Navigation.[a]

Concluded February 26, 1871; ratification advised by the Senate April 15, 1871; ratified by the President April 29, 1871; ratifications exchanged November 18, 1871; proclaimed November 23, 1871.

Articles.

I. Freedom of commerce and navigation.
II. Liberty to trade and travel.
III. Rights of person and property; exemptions.
IV. Embargo.
V. No shipping discriminations.
VI. No discriminations of imports and exports.
VII. Shipping privileges.
VIII. Exemptions from shipping dues, etc.
IX. Shipwrecks.
X. Completing crews.
XI. Piratical captures.
XII. Exemptions in war.
XIII. Blockade.
XIV. Regulation of blockades.
XV. Contraband articles.
XVI. Rights of neutrals; free ships, free goods.
XVII. Proof of nationality of vessels.
XVIII. Right of search.
XIX. Vessels under convoy.
XX. Conduct of commanders of war vessels.
XXI. Protection in case of war.
XXII. Disposal of property.
XXIII. Legal rights.
XXIV. Most favored nation privileges.
XXV. Duration.
XXVI. Ratification.

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose, and have named as their respective Plenipotentiaries:

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the

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[a] Federal cases: Storti *v.* Massachusetts (183 U. S., 138); Maiorano *v.* Baltimore & Ohio Ry. Co. (213 U. S., 268); Cantini *v.* Tillman (54 Fed. Rep., 969); Tuleo *v.* Schuylkill Stone Co. (163 Fed. Rep., 124); Tuleo *v.* Schuylkill Stone Co. (169 Fed. Rep., 98).

King of Italy; and His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs;

And the said Plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

Article I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy, respectively, which may be open to foreign commerce. They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy, respectively, within the States and possessions of each party, the same rights, privileges, favors, immunities, and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing.

War vessels of the two Powers shall receive in their respective ports the treatment of those of the most favored nation.

Article II.

The citizens of each of the high contracting parties shall have liberty to travel in the States and Territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, and generally to do anything incident to or necessary for trade, upon the same terms as the natives of the country, submitting themselves to the laws there established.

Article III.

The citizens of each of the high contracting parties shall receive, in the States and Territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives.

They shall, however, be exempt in their respective territories from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia. They shall likewise be exempt from any judicial or municipal office, and from any contribution whatever, in kind or in money, to be levied in compensation for personal services.

Article IV.

The citizens of neither of the contracting parties shall be liable, in the States or Territories of the other, to any embargo, nor shall they be detained with their vessels, cargoes, merchandise, or effects, for

any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification previously agreed upon when possible.

Article V.

The high contracting parties agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatsoever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into Italy in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Italy.

Article VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy, respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

Article VII.

Vessels of the United States arriving at a port of Italy, and, reciprocally, vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived. It is, however, understood and agreed that nothing contained in this article shall apply to the coastwise navigation, which each of the two contracting parties reserves exclusively to itself.

ARTICLE VIII.

The following shall be exempt from paying tonnage, anchorage, and clearance duties in the respective ports:

1st. Vessels entering in ballast, and leaving again in ballast, from whatever port they may come.

2. Vessels passing from a port of either of the two States into one or more ports of the same State, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

No vessel of the one country, which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores, or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of custom duties.

ARTICLE IX.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

ARTICLE X.

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articled in the country, provided they submit to the local regulations and their enrolment be voluntary.

ARTICLE XI.

All ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

ARTICLE XII.

The high contracting parties agree that, in the unfortunate event of a war between them, the private property of their respective citi-

zens and subjects, with the exception of contraband of war, shall be exempt from capture or seizure, on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of either party.

ARTICLE XIII.

The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade and contraband of war, effect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have arisen respecting that which, upon principles of fairness and justice, ought to constitute a legal blockade, they hereby expressly declare that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

ARTICLE XIV.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel, mentioning the date and the latitude and longitude where such endorsement was made, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such a port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel, having thus entered any port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if, after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ARTICLE XV.

The liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly

agree and declare that the following articles, and no others, shall be considered as comprehended under this denomination:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds, bombs, grenades, powder, matches, balls, and all other things belonging to, and expressly manufactured for, the use of these arms.

2. Infantry belts, implements of war and defensive weapons, clothes cut or made up in a military form and for a military use.

3. Cavalry belts, war saddles and holsters.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

Article XVI.

It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party without any opposition or disturbance whatever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and they shall not be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Article XVII.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and, reciprocally, all vessels sailing under the flag of Italy, and furnished with the papers which the laws of Italy require, shall be regarded in the United States as Italian vessels.

ARTICLE XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war shall meet with a vessel not of war of the other contracting party, the first shall remain at a convenient distance, and may send its boat, with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XIX.

It is agreed that the stipulations contained in the present treaty relative to the visiting and examining of a vessel shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XX.

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all commanders of ships of war of each party, respectively, shall be strictly enjoined to forbear from doing any damage to or committing any outrage against the citizens or subjects of the other, or against their vessels or property; and if the said commanders shall act contrary to this stipulation, they shall be severely punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

ARTICLE XXI.

If by any fatality, which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children, scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers, and fishermen, unarmed and inhabiting the unfortified towns, villages, or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by

the armed force of the belligerent in whose power, by the events of war, they may happen to fall; but, if it be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but, on the contrary, that the state of war is precisely that for which it is provided, and during which its provisions are to be sacredly observed as the most acknowledged obligations in the law of nations.

Article XXII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases.

As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation.

Article XXIII.

The citizens of either party shall have free access to the courts of justice, in order to maintain and defend their own rights, without any other conditions, restrictions, or taxes than such as are imposed upon the natives. They shall, therefore, be free to employ, in defense of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

Article XXIV.

The United States of America and the Kingdom of Italy mutually engage not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

Article XXV.

The present treaty shall continue in force for five (5) years from the day of the exchange of the ratifications; and if, twelve (12) months before the expiration of that period, neither of the high contracting parties shall have announced to the other, by an official notification, its intention to terminate the said treaty, it shall remain obligatory on both parties one (1) year beyond that time, and so on

until the expiration of the twelve (12) months, which will follow a similar notification, whatever may be the time when such notification shall be given.

ARTICLE XXVI.

The present treaty shall be approved and ratified by His Majesty the King of Italy, and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Done at Florence this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.] GEORGE P. MARSH.
[SEAL.] VISCONTI VENOSTA.

1878.[a]

CONSULAR CONVENTION.

Concluded May 8, 1878; ratification advised by the Senate May 28, 1878; ratified by the President June 4, 1878; ratifications exchanged September 18, 1878; proclaimed September 27, 1878.

ARTICLES.

I. Consular recognition.
II. Exequaturs.
III. Exemptions.
IV. Status in legal proceedings.
V. Arms and flags.
VI. Archives.
VII. Vacancies.
VIII. Vice-consuls and agents.
IX. Dealings with officials.
X. General powers.
XI. Shipping disputes.
XII. Disputes between passengers and officers of vessels.
XIII. Deserters from ships.
XIV. Damages at sea.
XV. Shipwrecks.
XVI. Death of citizens.
XVII. Most favored nation privileges.
XVIII. Duration; ratification.

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges and immunities of consular officers in the two countries, have determined to conclude a consular convention for that purpose, and accordingly, have named: The President of the United States, William M. Evarts, Secretary of State of the United States: His Majesty the King of Italy, Baron Alberto Blanc, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties pledges itself to admit the Consuls General, Consuls, Vice-Consuls and Consular Agents of the

[a] Federal case: The Salomoni (29. Fed. Rep., 534).

other in all its ports, places and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

ARTICLE II.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted by all the authorities of their place of residence, to the enjoyment of the rights, prerogatives and immunities granted them by this convention.

ARTICLE III.

Consular offices, citizens of the state by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offenses which the local law qualifies as crimes and punishes as such, and they shall be exempt from military billettings and from the performance of service in the army, in the militia, or national guard, and in the navy.

The aforesaid consular officers shall be exempt from all national, state or municipal taxes, imposed upon persons either in the nature of capitation tax or in respect to their property unless such taxes become due on account of the possession of real estate or for interest on capital invested in the state in which they reside. If they are engaged in trade, manufactures or commerce, they shall not enjoy such exemption but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

ARTICLE IV.

Consular officers, citizens of the state which appointed them, and who are not engaged in trade, professional business or any kind of manufactures, shall not be obliged to appear as witnesses before the courts of the country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce* at their residence or office.

It shall be the duty of the aforementioned consular officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VIth article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed to persons charged with crimes, of obtaining witnesses in their favor, consular officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

ARTICLE V.

Consuls General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their office, the arms of their nation with this inscription: *Consulate* or *Vice-Consulate* or *Consular Agency of the United States* or of *Italy*.

They may also hoist the flag of their country, over the house in which the consular office is, provded they do not reside in the capital in which the legation of their country is established.

ARTICLE VI.

The consular offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequestrate the papers therein deposited. These offices, however, shall never serve as places of asylum.

When the consular officer is engaged in trade, professional business, or manufactures, the papers relating to the business of the consulate must be kept separate.

ARTICLE VII.

In case of death, incapacity or absence of the Consuls General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

ARTICLE VIII.

Vice-Consuls or Consular Agents may be appointed by the respective governments or by the Consuls General or Consuls, with the approval of said governments, in the cities, ports, and places of each consular district. These agents may be selected from the citizens of the United States, or from Italian citizens or other foreigners, and they shall be furnished with a commission by the government or by the Consul appointing them under whose orders they are to discharge their functions.

They shall enjoy the privileges provided in this convention for consular officers, subject to the exceptions and reservations provided for the same.

ARTICLE IX.

Consuls General, Consuls, Vice-Consuls and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complaining of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the com-

plaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they reside.

Article X.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks shall have the right to take in their offices, at the residence of the parties, in their own dwelling and even on board ship, the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizens or subjects of their country.

They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the consular officer belongs, or to business which is to be transacted in said country.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies or translations, duly authenticated, by the Consuls General, Consuls, Vice-Consuls and Consular Agents and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

Article XI.[a]

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order on board of the merchant vessels of their nation, and shall alone take cognizance of questions, of whatever kind, that may arise, both at sea and in port, between the captain, officers and seamen, without exception, and especially of those relating to wages and the fulfilment of agreements reciprocally made. The courts, or federal, state or municipal authorities in the United States, and the tribunals or authorities in Italy, shall not under any pretext, interfere in such questions, but they shall lend aid to consular officers when the latter shall request it, in order to find out, arrest and imprison any person belonging to the crew, whom they may think proper to place in custody. These persons shall be arrested at the sole demand of the consular officers, made in writing to the courts or federal, state or municipal authorities in the United States, or to the competent court or authority in Italy, such demands being supported by an official extract from the register of the vessel and from the crew-list and they shall be detained during the stay of the vessel in the port, at the disposal of the consular officers.

They shall be released at the written request of the said officer, and the expenses of the arrest and detention shall be paid by the consular officer.

Article XII.

According to the act of Congress of March 5, 1855, *to regulate the carriage of passengers in steamships and other vessels*, all disputes

[a] This article is annulled and a new one substituted by the convention of February 24, 1881.

and questions of any nature that may arise between captains and officers on the one hand, and passengers on board of vessels on the other, shall be brought to and decided by the Circuit or District Courts of the United States to the exclusion of all other courts and authorities.

ARTICLE XIII.

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, may arrest the officers, seamen and any other person forming part of the crew of the merchant and war vessels of their nation, who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

To this effect the consular officers of Italy in the United States, may apply in writing, to either the courts or the federal, state or municipal authorities of the United States, and the consular officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belonged to said crew. Upon such request, alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country in which the demand is made, at the time of their shipment, shall be given up.

All assistance and necessary aid moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the consular officer, until he finds an opportunity to send them home.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

ARTICLE XIV.

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two countries whether they enter the respective ports voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls General, Consuls, Vice-Consuls and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said consular officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XV.

All operations relative to the salvage of United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls General, Consuls and Vice-Consuls of the two countries, and

until their arrival, by the respective consular agents, where consular agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul, they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interest of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

Article XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

Article XVII.

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries, Clerks or Attachés, shall enjoy in both countries, all the rights, prerogatives, immunities and privileges which are or may hereafter be granted to the officers of the same grade, of the most favoured nation.

Article XVIII.

This Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall take place in conformity with the respective Constitutions of the two countries, at Washington or at Rome, within the period of six months, or sooner, if possible.

In case neither party gives notice twelve months previously to the expiration of said period of ten years, of its intention not to renew the Convention, this shall remain in force until the expiration of a year from the day on which one of the parties shall have made such announcement.

In faith whereof, the respective plenipotentiaries have signed this Convention, and have thereunto affixed their seals.

Done at Washington the eighth day of May, Anno Domini, one thousand eight hundred and seventy-eight.

[SEAL.] William Maxwell Evarts.
[SEAL.] A. Blanc.

1881.

Convention Supplemental to Consular Convention, 1878.

Concluded February 24, 1881; ratification advised by the Senate May 5, 1881; ratified by the President May 10, 1881; ratifications exchanged June 18, 1881; proclaimed June 29, 1881.

Articles.

I. Shipping disputes; substitute for Article XI.
II. Ratification and effect.

Whereas question has arisen at divers times between the government of the United States of America and the government of His Majesty the King of Italy, touching the interpretation of the eleventh article of the Convention between the two countries, concerning the rights, privileges and immunities of Consular Officers, signed at Washington on the eighth day of May, one thousand eight hundred and seventy-eight, and especially with respect to so much of said article as defines and limits the jurisdiction of the authorities of the country and of the Consular Officers, with regard to offenses and disturbances on shipboard, while in port; and whereas the high contracting parties, have deemed it expedient to remove for the future all ground of question in the premises, by substituting a new article in place of the said eleventh article of that Convention; the United States of America and His Majesty the King of Italy, have resolved to conclude a special supplementary Convention to that end and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of Italy: Paul Beccadelli Bologna, Prince of Camporeale, his Chargé d'Affaires in the United States of America; who after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The eleventh article of the Consular Convention of May 8, 1878, between the United States of America and Italy, is hereby annulled, and in its place the following article is substituted, namely:

Consuls General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party, in the territorial waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States nor any Court or Authority in Italy, shall on any pretext interfere except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such

trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authority in Italy, shall not interfere but shall render forcible aid to Consular Officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Italy, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay, in the port at the disposal of the Consular Officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the Consular Officers.

ARTICLE II.

This supplementary Convention shall be ratified in conformity with the laws of the respective countries, and the ratifications thereof shall be exchanged at Washington, as soon as possible after the date hereof, and immediately upon such exchange, the foregoing form of the said article XI. shall become effective and have the same force as the other articles of the Convention of the eighth day of May of the year 1878 and the same duration.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals.

Done in duplicate at Washington, the twenty-fourth day of February, Anno Domini, one thousand eight hundred and eighty-one.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] CAMPOREALE.

1882.

DECLARATION FOR THE RECIPROCAL PROTECTION OF MARKS OF MANUFACTURE AND TRADE.

Concluded June 1, 1882; ratification advised by the Senate February 25, 1884; proclaimed March 19, 1884.

DECLARATION.

The Government of the United States of America and the Government of His Majesty the King of Italy, wishing to provide for the reciprocal protection of the marks of manufacture and trade, have agreed as follows:

The citizens of each of the high contracting parties shall enjoy, in the dominions and possessions of the other the same rights as belong to native citizens, or as are now granted or may hereafter be granted to the subjects or citizens of the most favored nation, in everything relating to property in trade-marks and trade-labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned, having been duly authorized to this effect, have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate original at Washington, this first day of June, one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] FAVA.

[NOTE.—Inasmuch as the act of Congress, entitled "An act relating to the registration of trade-marks", approved August 5, 1882, gives the right of trade-mark registry to subjects of any foreign country which by law admits the like right for citizens of the United States, this Declaration is held to be an establishment of the fact that such reciprocal privilege exists, and is therefore effective from June 1, 1882, the date of its signature.]

1884.

CONVENTION ADDITIONAL TO EXTRADITION CONVENTION, 1868.[a]

Concluded June 11, 1884; ratification advised by the Senate July 5, 1884; ratified by the President April 10, 1885; ratifications exchanged April 24, 1885; proclaimed April 24, 1885.

ARTICLES.

I. Kidnapping added to extraditable crimes.
II. Preliminary detention.
III. Effect; ratification.

The President of the United States of America and His Majesty the King of Italy, being convinced of the necessity of adding some stipulations to the extradition convention concluded between the United States and Italy on the 23d of March, 1868, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose, and have appointed as their Plenipotentiaries, to-wit: The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States;

And His Majesty the King of Italy, Baron Saverio Fava, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after reciprocal communication of their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The following paragraph is added to the list of crimes on account of which extradition may be granted, as provided in Article II. of the aforesaid convention of March 23, 1868:

9. Kidnapping of minors or adults, that is to say, the detention of one or more persons for the purpose of extorting money from them or their families, or for any other unlawful purpose.

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[a] See Convention of 1868.

ARTICLE II.

The following clause shall be inserted after Article V. of the aforesaid Convention of March 23, 1868:

Any competent judicial magistrate of either of the two countries shall be authorized after the exhibition of a certificate signed by the Minister of Foreign Affairs [of Italy] or the Secretary of State [of the United States] attesting that a requisition has been made by the Government of the other country to secure the preliminary arrest of a person condemned for or charged with having therein committed a crime for which, pursuant to this Convention, extradition may be granted, and on complaint duly made under oath by a person cognizant of the fact, or by a diplomatic or consular officer of the demanding Government, being duly authorized by the latter, and attesting that the aforesaid crime was thus perpetrated, to issue a warrant for the arrest of the person thus inculpated, to the end that he or she may be brought before the said magistrate, so that the evidence of his or her criminality may be heard and considered; and the person thus accused and imprisoned shall from time to time be remanded to prison until a formal demand for his or her extradition shall be made and supported by evidence as above provided; if, however, the requisition, together with the documents above provided for, shall not be made, as required, by the diplomatic representative of the demanding Government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the accused, the prisoner shall be set at liberty.

ARTICLE III.

These supplementary articles shall be considered as an integral part of the aforesaid original extradition convention of March 23, 1868, and together with the additional article of January 21, 1869, as having the same value and force as the Convention itself, and as destined to continue and terminate in the same manner.

The present Convention shall be ratified, and the ratifications exchanged at Washington as speedily as possible, and it shall take effect immediately after the said exchange of ratifications.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington, this eleventh day of the month of June in the year of our Lord one thousand eight hundred and eighty-four.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] FAVA.

1892.

COPYRIGHT PROCLAMATION, OCTOBER 31, 1892.

Whereas it is provided by section 13 of the act of congress of March 3, 1891, entitled "an act to amend title sixty, chapter three of the revised statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens

of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign states or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Italy the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Italy:

Now, therefore I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Italy.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirty first day of October one thousand eight hundred and ninety two, and of the Independence of the United States the One hundred and seventeenth.

BENJ. HARRISON.

By the President:

JOHN W. FOSTER,
Secretary of State.

1900.[a]

RECIPROCAL COMMERCIAL ARRANGEMENT WITH ITALY.

Concluded February 8, 1900; proclaimed July 18, 1900.

ARTICLES.

I. Concessions by the United States.
II. Concessions by Italy.
III. Approval; duration.

The President of the United States of America and His Majesty the King of Italy, mutually desirous to improve the commercial relations between the two countries by a Special Agreement relative thereto, have appointed as their Plenipotentiaries for that purpose, namely:—

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary, etc. and

His Majesty the King of Italy, His Excellency the Baron S. Fava, Senator of the Kingdom, his Ambassador at Washington, etc.,

Who being duly empowered thereunto have agreed upon the following Articles.

ARTICLE I.

It is agreed on the part of the United States, pursuant to and in accordance with the provisions of the third Section of the Tariff Act

[a] This agreement terminates to take effect August 7, 1910, on notice by United States pursuant to tariff act of 1909.

of the United States approved July 24, 1897, and in consideration of the concessions hereinafter made on the part of Italy in favor of the products and manufactures of the United States, that the existing duties imposed upon the following articles being the product of the soil or industry of Italy imported into the United States shall be suspended during the continuance in force of this Agreement, and in place thereof the duties to be assessed and collected thereon shall be as follows, namely:—

On argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

On brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

On still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

On paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

Article II.

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing Article, that so long as this Convention shall remain in force the duties to be assessed and collected on the following described merchandise, being the product of the soil or industry of the United States, imported into Italy shall not exceed the rates hereinafter specified, namely:—

Upon	cotton seed oil	Lire 21.50 per quintal.
"	fish, pickled or in oil, excluding the tunny, preserved in boxes or barrels, sardines and anchovies	" 15.00 " "
"	other fish, preserved	" 25.00 " "
"	agricultural machinery	" 9.00 " "
"	detached parts of agricultural machinery:	
	(1) of cast iron	" 10.00 " "
	(2) of other iron or steel	" 11.00 " "
"	scientific instruments:	
	(a) of copper, bronze, brass or steel:	
	(1) with spy-glasses or microscopes, or graduated scales or circles, spy-glasses for use on land, monocles, binocles, lenses, detached and mounted	" 30.00 " "
	(2) not provided with any optical instrument, nor with graduated scales or circles	" 30.00 " "
	(b) of all kinds, in the construction of which iron is evidently predominant	" 30.00 " "
"	dynamo-electrical machines:	
	(1) the weight of which exceeds 1000 kilograms	" 16.00 " "
	(2) weighing 1000 kilograms or less	" 25.00 " "
"	detached parts of dynamo-electrical machines	" 25.00 " "
"	sewing machines:	
	(1) with stands	" 25.00 " "
	(2) without stands	" 30.00 " "
"	varnishes, not containing spirits nor mineral oils	" 20.00 " "

The following articles shall be admitted free of duty:—

Turpentine oil.
Natural fertilizers of all kinds.
Skins, crude, fresh or dried, not suitable for fur; and fur skins.

ARTICLE III.

This Agreement is subject to the approval of the Italian Parliament. When such approval shall have been given, and official notification shall have been given to the United States Government of His Majesty's ratification, the President shall publish his proclamation, giving full effect to the provisions contained in Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until the expiration of the year 1903, and if not denounced by either Party one year in advance of the expiration of said term shall continue in force until one year from the time when one of the High Contracting Parties shall have given notice to the other of its intention to arrest the operation thereof.

In witness whereof we the respective Plenipotentiaries have signed this Agreement, in duplicate, in the English and Italian texts, and have affixed thereunto our respective seals.

Done at Washington this eighth day of February, A. D. one thousand and nine hundred.

JOHN A. KASSON [SEAL]
FAVA [SEAL]

1903.

PROTECTION OF TRADE-MARKS IN MOROCCO.

Agreement effected by exchange of notes June 13, 1903–March 12, 1904.

[Translation.]

TANGIER, *June 13th 1903.*

DEAR COLLEAGUE: I have the honor to inform you that the Government of my Sovereign gives its adherence to the agreements concluded and resulting from the declarations exchanged in 1892, 1894, 1895, 1896, 1899 and 1900 between the Consulate-General of the United States and the Legations of France, Portugal, Belgium, Germany, Spain, Austria-Hungary, the Consulate-General of Holland and the Legation of His Britannic Majesty, with regard to the mutual protection of property in Trade-Marks in Morocco.

I. By virtue of the civil and criminal jurisdiction which they have acquired and exercise, in that country, the Consuls and Consular Courts of His Majesty have jurisdiction over all claims regarding the infringement of Trade-Marks by Italian subjects.

II. Consequently, all complaints addressed to them by American manufacturers to obtain protection for Trade-Marks duly registered in the Kingdom, against infringement by Italian subjects should in future be prosecuted, in the first place before the Consular Court and finally before the Royal Court of Appeals in Genoa.

III. The right of proprietorship in Trade-Marks is regulated in Italy by the law of August 30th 1868.

I beg you, dear Colleague, to take note of the present declaration and let me know whether Italian subjects will have the same legal protection before the Consular authorities of the United States in all that concerns the proprietorship of their Trade-Marks duly registered in the United States.

Accept, dear Colleague, the assurances of my high consideration.

MALMUSI.

Mr. GUMMERÉ,
Consul-General of the United States of America.

TANGIER, *July 29th 1903.*

YOUR EXCELLENCY: In pursuance of your letter to the Consul-General of June 13th last, I have the honor to inform you that I am in receipts of Instructions from my Government, authorizing me to enter into a reciprocal agreement with the Government of the Kingdom of Italy and the United States. The agreement to be for the mutual protection of Trade-Marks registered in Italy and the United States against infringement in Morocco by subjects of the respective nations, on the lines of that now existing between the United States and Great Britain.

Accept, Mr. Minister, the assurance of my high consideration.

HOFFMAN PHILIP,
Acting Consul-General.

Mr. MALMUSI,
Minister of Italy.

TANGIER, *March 12th 1904.*

SIR: Referring to the letter of the 13th of June 1903, received from His Excellency the Italian Minister, and to our interview of the 10th instant, I beg to assure you that I am authorized by my Government to declare that the same protection will be accorded by the Consular Authorities of the United States in Morocco, to Italian Trade-Marks duly registered in the United States in conformity with the laws, as that accorded to American Trade-Marks under the same circumstances, by Italian tribunals in Morocco.

Accept, Sir, the assurance of my distinguished consideration.

S. R. GUMMERÉ.

Mr. GIANATELLI GENTILE,
Chargé d'Affaires of Italy.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., December 19, 1903.

Mr. SECRETARY OF STATE: As Your Excellency is aware, an agreement was reached by an exchange of notes dated August 13[a] and 4

[a] Evidently a clerical error. For dates of notes see *ante*. The note of July 29 is a duplicate of the note of August 4. There is no note of August 13 in the correspondence, but one of June 13, 1903.

last between the Minister of Italy at Tangiers and the representative, there, of the United States of America, respectively to defer to the Italian and American Consular courts in Morocco disputes arising from the counterfeiting of trade marks committed by the citizens of either country to the prejudice of those of the other.

The Government of the King has issued to the Royal Legation at Tangiers appropriate instructions for the execution of this agreement in accordance with articles 65, 67 and 111 of the existing Consular laws of Italy. I am directed by my Government and have, in consequence, the honor to transmit herewith to your Excellency the text of those instruction together with its two accompaniments, for the due information of the Government of the United States and in completion of the agreement made at Tangiers by the representatives of the two States.

I embrace the opportunity, &c.,

V. Macchi di Cellere.

1905.

Protection of Trade-Marks in China.

Agreement effected by exchange of notes December 18, 1905.

December 18, 1905.

Mr. Minister and dear Colleague: The Government of the United States being desirous of reaching an understanding with the Government of Italy for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in the United States and Italy, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Italy which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Italy in China as regards the protection from infringement of their trade marks duly registered in Italy.

I have the honor to be, Mr. Minister and dear Colleague, Your obedient servant,

W. W. Rockhill.

His Excellency, Monsieur Carlo Baroli,
etc., etc., etc.

[Translation.]

Peking, *December 18, 1905.*

Mr. Minister: I have the honor to acknowledge the receipt of your note of to-day's date by which you inform me that you have been authorized by your Government to conclude an arrangement with the Italian Legation by means of an exchange of notes, for the

reciprocal protection in China of American and Italian trade marks, and that hereafter infringements of trade marks the property of Italian subjects and duly registered in the United States by persons subject to the jurisdiction of American Consular Courts in China will be tried by the latter according to law.

Having been duly authorized thereto by the Royal Government, I am pleased to inform you that hereafter infringements of trade marks of American citizens, duly registered in Italy, by persons subject to the jurisdiction of the Italian Consular Courts in China will in first instance be tried according to the law by said Courts and on appeal by the Royal Court of Appeals of Ancona.

Please accept, etc., etc.

C. BAROLI.

PEKING, *January 22, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with Your Excellency on December 18, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of Italy.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of December 18, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL.

To His Excellency CARLO BAROLI,
etc., etc., etc.

1908.

ARBITRATION CONVENTION.

Signed at Washington, March 28, 1908; ratification advised by the Senate, April 2, 1908; ratified by the President, June 19, 1908; ratifications exchanged at Washington, January 22, 1909; proclaimed, January 25, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America and the Government of His Majesty the King of Italy, signatories of the Conven-

tion for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of either of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of His Majesty the King of Italy in accordance with its constitution and laws. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate at the City of Washington in the English and Italian languages, this twenty-eighth day of March, in the year 1908.

ELIHU ROOT [SEAL]
MAYOR [SEAL]

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1909.[a]

Supplementary Commercial Agreement

Signed March 2, 1909; proclaimed April 24, 1909.

Articles.

The President of the United States of America and His Majesty the King of Italy, considering it appropriate to supplement by an Additional Agreement the Commercial Agreement signed between the two Governments at Washington, on February 8, 1900, have appointed as their plenipotentiaries, to wit:

The President of the United States of America, the Honorable Robert Bacon, Secretary of State of the United States; and

His Majesty the King of Italy, His Excellency the Baron Mayor des Planches, His Ambassador Extraordinary and Plenipotentiary at Washington,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

Article I.

It is agreed on the part of the United States, in accordance with the provisions of section 3 of the Tariff Act of the United States approved July 24, 1897, that the rates of duty heretofore imposed and collected, under the said Act, on Italian sparkling wines upon entering the United States, including the island of Porto Rico, shall be suspended during the continuance in force of this agreement, and, instead, the following duties shall be imposed and collected, to wit:

On all sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Article II.

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing Article, that during the term of this Additional Agreement the duty to be assessed and collected on mowers and tedders, included in item No. 240, paragraph "f," of the Customs Tariff of Italy, products of the industry of the United States, imported into Italy, shall not exceed the rate of four lire per one hundred kilograms.

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[a] Will terminate August 7, 1910, on notice by United States.

ARTICLE III.

When official notification of His Majesty's ratification shall have been given to the Government of the United States, the President of the United States shall publish his proclamation, giving full effect to the provisions contained in Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until the expiration of one year from the time when either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same.

In witness whereof we, the respective Plenipotentiaries, have signed this Agreement, in duplicate, in the English and Italian texts, and have affixed hereunto our respective seals.

Done at Washigton, this second day of March, A. D. one thousand nine hundred and nine.

ROBERT BACON [SEAL]
E. MAYOR DES PLANCHES. [SEAL]

JAPAN.

1854.[a]

Treaty of Peace, Amity, and Commerce.

Concluded March 31, 1854; ratification advised by the Senate July 15, 1854; ratified by the President August 7, 1854; ratifications exchanged February 21, 1855; proclaimed June 22, 1855.

Articles.

I. Peace and amity.
II. Opening of Simoda and Hakodade.
III. Shipwrecks.
IV. Treatment of shipwrecked persons.
V. Shipwrecked persons at Simoda and Hakodade.
VI. Business.
VII. Trade.
VIII. Supplies to vessels.
IX. Most favored nation privileges.
X. Open ports.
XI. Consuls.
XII. Ratification.

The United States of America and the Empire of Japan, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace and amity, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States has conferred full powers on his Commissioner, Matthew Calbraith Perry, Special Ambassador of the United States to Japan, and the August Sovereign of Japan has given similar full powers to his Commissioners, Hayashi, Daigaku-no-kami; Ido, Prince of Tsus-Sima; Izawa, Prince of Mima-saki; and Udono, Member of the Board of Revenue. And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

Article I.

There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity between the United States of America on the one part, and the Empire of Japan on the other part, and between their people respectively, without exception of persons or places.

Article II.

The port of Simoda, in the principality of Idzu, and the port of Hakodade, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American ships, where they

[a] This treaty was superseded on July 17, 1899, by the treaty of November 22, 1894, Article XVIII.

can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year.

NOTE.—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.

ARTICLE III.

Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their countrymen, appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

ARTICLE IV.

Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ARTICLE V.

Shipwrecked men and other citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or ri) from a small island in the harbor of Simoda marked on the accompanying chart hereto appended; and in shall like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

ARTICLE VI.

If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

ARTICLE VII.

It is agreed that ships of the United States resorting to the ports open to them shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese Government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

ARTICLE VIII.

Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose, and in no other manner.

ARTICLE IX.

It is agreed that if at any future day the Government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof, without any consultation or delay.

ARTICLE X.

Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade, unless in distress or forced by stress of weather.

ARTICLE XI.

There shall be appointed, by the Government of the United States, Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty: provided that either of the two Governments deem such arrangement necessary.

ARTICLE XII.

The present convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective Power; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the signature thereof, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries of the United States of America and the Empire of Japan aforesaid, have signed and sealed these presents.

Done at Kanagawa, this thirty-first day of March, in the year of our Lord Jesus Christ one thousand eight hundred and fifty-four, and of Kayei the seventh year, third month, and third day.

M. C. PERRY.

1857.

COMMERCIAL AND CONSULAR TREATY.[a]

Concluded June 17, 1857; ratification advised by the Senate June 15, 1858; ratified by the President June 30, 1858; proclaimed June 30, 1858.

ARTICLES.

I. Port of Nangaski.
II. Simoli, Hakodade.
III. Coin.
IV. Offences.
V. Medium of exchange.
VI. Consul-general.
VII. Purchases for the consul-general.
VIII. Language.
IX. Ratification.

[a] This treaty was superseded by the treaty of 1858. Ross *v.* McIntyre (140 U. S., 453).

For the purpose of further regulating the intercourse of American citizens within the Empire of Japan, and after due deliberation, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and their Excellencies Inowouye, Prince of Sinano, and Nakamoera, Prince of Dewa, Governors of Simoda, all having full powers from their respective Governments, have agreed on the following articles, to wit:

ARTICLE I.

The port of Nangasaki, in the principality of Hizen, shall be open to American vessels, where they may repair damages, procure water, fuel, provisions, and other necessary articles, even coals, where they are obtainable.

ARTICLE II.

It being known that American ships coming to the ports of Simoda and Hakodade cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodade, and the Government of the United States may appoint a Vice-Consul to reside at Hakodade.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

ARTICLE III.

In settlement of accounts the value of the money brought by the Americans shall be ascertained by weighing it with Japanese coin (gold and silver itsebues,) that is, gold with gold, and silver with silver, or weights representing Japanese coin may be used, after such weights have been carefully examined and found to be correct.

The value of the money of the Americans having been thus ascertained, the sum of six per cent. shall be allowed to the Japanese for the expense of recoinage.

ARTICLE IV.

Americans committing offences in Japan shall be tried by the American Consul General or Consul, and shall be punished according to American laws.

Japanese committing offences against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

ARTICLE V.

American ships which may resort to the ports of Simoda, Hakodade, or Nangasaki, for the purpose of obtaining necessary supplies, or to repair damages, shall pay for them in gold or silver coin; and if they have no money, goods shall be taken in exchange.

ARTICLE VI.

The Government of Japan admits the right of His Excellency the Consul General of the United States to go beyond the limits of Seven Ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

Article VII.

Purchases for His Excellency the Consul General, or his family, may be made by him only, or by some member of his family, and payment made to the seller for the same, without the intervention of any Japanese official; and for this purpose Japanese silver and copper coin shall be supplied to His Excellency the Consul General.

Artice VIII.

As His Excellency the Consul General of the United States of America has no knowledge of the Japanese language, nor their Excellencies the Governors of Simoda a knowledge of the English language, it is agreed that the true meaning shall be found in the Dutch version of the articles.

Artice IX.

All the foregoing articles shall go into effect from the date hereof, except article two, which shall go into effect on the date indicated in it.

Done in quintuplicate, (each copy being in English, Japanese, and Dutch,) at the Goyosso of Simoda, on the seventeenth day of June, in the year of the Christian era eighteen hundred fifty-seven, and of the Independence of the United States of America the eighty-first, corresponding to the fourth Japanese year of Ansei, Mi, the fifth month, the twenty-sixth day, the English version being signed by His Excellency the Consul General of the United States of America, and the Japanese version by their Excellencies the Governors of Simoda.

[SEAL.] TOWNSEND HARRIS.

1858.[a]

Treaty of Commerce and Navigation.

Concluded July 29, 1858; ratification advised by the Senate December 15, 1858; ratified by the President April 12, 1860; ratifications exchanged May 22, 1860; proclaimed May 23, 1860.

Articles.

I. Amity; diplomatic and consular officers.
II. Mediation and assistance by the United States.
III. Ports opened; trade regulations.
IV. Duties; naval supplies; opium.
V. Coins authorized.
VI. Consular courts, etc.
VII. Limits of open ports.
VIII. Religious freedom.
IX. Deserters and fugitives from justice.
X. Purchases of ships, etc., by Japan.
XI. Trade regulations.
XII. Revocation of former treaties.
XIII. Duration.
XIV. Effect; ratification.

The President of the United States of America and His Majesty the Ty-coon of Japan, desiring to establish on firm and lasting foun-

[a] This treaty was susperseded on July 17, 1899, by the treaty of November 22, 1894.

dations the relations of peace and friendship now happily existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their plenipotentiaries, that is to say:

The President of the United States, His Excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and His Majesty the Ty-coon of Japan, their Excellencies Inooye, Prince of Sinano, the Iwasay, Prince of Hego:

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

Article I.

There shall henceforward be perpetual peace and friendship between the United States of America and His Majesty the Ty-coon of Japan and his successors.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul General of the United States shall have the right to travel freely in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul General of Japan may travel freely in any part of the United States from the time they arrive in the country.

Article II.

The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

Article III.

In addition to the ports of Simoda and Hakodade, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860)

first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

If Nee-e-gata is found to be unsuitable as a harbour, another port on the west coast of Nipon shall be selected by the two Governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwelling or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbour regulations, shall be arranged by the American Consul and the authorities of each place; and if they cannot agree, the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese Government.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862) first day of January, one thousand eight hundred and sixty-two, Americans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863,) first day of January, one thousand eight hundred and sixty-three, in the city of Osaca, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American Diplomatic Agent and the Government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by the Americans.

The Japanese Government will cause this clause to be made public in every part of the Empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese Government and foreigners.

No rice or wheat shall be exported from Japan as cargo, but all Americans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese Government will sell, from time to time at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

Article IV.

Duties shall be paid to the Government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the gods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

Supplies for the use of the United States navy may be landed at Kanagawa, Hakodade, and Nagasaki, and stored in warehouses, in the custody of an officer of the American Government, without the payment of any duty. But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than (3) three catties' (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

Article V.[a]

All foreign coin shall be current in Japan and pass for its corresponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin, in making payments to each other.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese Government will, for the period of one year after the opening of each harbour, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given and no discount taken for recoinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

Article VI.

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

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[a] This article is amended by Article VI of the convention of June 25, 1866.

Neither the American or Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

Article VII.

In the opened harbours of Japan, Americans shall be free to go where they please within the following limits:

At Kanagawa, the River Logo (which empties into the Bay of Yedo, between Kawasaki and Sinagawa), and (10) ten ri in any other direction.

At Hakodade, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca. The distances shall be measured inland from the Goyoso, or town hall, of each of the foregoing harbours, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki, Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American Diplomatic Agent and the Government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanours, shall not go more than (1) one Japanese ri inland from the places of their respective residences; and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

Article VIII.

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or mia, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The Government of Japan has already abolished the practice of trampling on religious emblems.

Article IX.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the Consul, and give to the Consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land,

and to maintain order among the shipping. For all such services, and for the support of prisoners kept in confinement, the Consul shall in all cases pay a just compensation.

Article X.

The Japanese Government may purchase or construct, in the United States, ships of war, steamers, merchant-ships, whale-ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage, in the United States, scientific, naval, and military men, artisans of all kinds, and mariners to enter into its service. All purchases made for the Government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States.

Article XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

Article XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul General of the United States and the Governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

Article XIII.

After the (4th of July, 1872) fourth day of July, one thousand eight hundred and seventy-two, upon the desire of either the American or Japanese Governments, and on one year's notice given by either party, this treaty, and such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.

Article XIV.

This treaty shall go into effect on the (4th of July, 1859) fourth day of July, in the year of our Lord one thousand eight hundred and fifty-nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

The act of ratification on the part of Japan shall be verified by the name and seal of His Majesty the Ty-coon, and by the seals and signatures of such of his high officers as he may direct.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States of America the eighty-third, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

[SEAL.] TOWNSEND HARRIS.

Regulations under which American Trade is to be Conducted in Japan.[a]

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him. He shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the

[a] Amended by the convention of June 25, 1866.

same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time a fee of (15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of (60) sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION SECOND.

The Japanese Government shall have the right to place custom-house officers on board of any ship in their ports, (men-of-war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (60) sixty dollars for each offense. Any goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbours of Japan, all such goods shall be forfeited to the Japanese Government, and the ships shall pay a fine of (1,000) one thousand dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbour without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the bona fide nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

REGULATION THIRD.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods; and after examination the Japanese shall restore the goods to their original condition in the packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the custom-house authorities of such damage; and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers, in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, etc., of passengers.

REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but, if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police-officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall in all cases enter and clear at the custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, whenever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION FIFTH.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of (125) one hundred and twenty-five dollars for each offence.

REGULATION SIXTH.[a]

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship, (15) fifteen dollars; for the clearance of a ship, (7) seven dollars; for each permit, (1½) one dollar and a half; for each bill of health, (1½) one dollar and a half; for any other document, (1½) one dollar and a half.

REGULATION SEVENTH.

Duties shall be paid to the Japanese Government on all goods landed in the country, according to the following tariff:

Class one.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

Class two.—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships; whaling gear of all kinds; salted provisions of all kinds; bread and breadstuffs; living animals of all kinds; coals; timber for building houses; rice; paddy; steam machinery; zinc; lead; tin; raw silk.

[a] This regulation is amended by Article III of the convention of June 25, 1866.

Class three.—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

Class four.—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production which are exported as cargo shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision, if the Japanese Government desires it.

[SEAL.] TOWNSEND HARRIS.

1864.[a]

CONVENTION FOR THE REDUCTION OF IMPORT DUTIES.

Concluded January 28, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866.

ARTICLES.

I. Articles duty free.
II. Articles reduced duty.
III. Duty to be paid.
IV. Duration; ratification.

For the purpose of encouraging and facilitating the commerce of the citizens of the United States in Japan, and after due deliberation, His Excellency Robert H. Pruyn, Minister Resident of the United States in Japan, and His Excellency Sibata Sadataro, Governor for Foreign Affairs, both having full powers from their respective Governments, have agreed on the following articles, viz:

ARTICLE I.

The following articles, used in the preparation and packing of teas, shall be free of duty:

Sheet lead, soder, matting, rattan, oil for painting, indigo, gipsum, firing pans, and baskets.

ARTICLE II.

The following articles shall be admitted at the reduced duty of five per cent.:

Machines and machinery; drugs and medicines. NOTE.—The prohibition of the importation of opium, according to the existing treaty, remains in full force. Iron, in pigs or bars; sheet iron and iron wire; tin plates, white sugar, in loaves or crushed; glass and glassware; clocks, watches, and watch chains; wines, malted and spirituous liquors.

ARTICLE III.

The citizens of the United States, importing or exporting goods, shall always pay the duty fixed thereon, whether such goods are intended for their own use or not.

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[a] This convention was superseded by the convention of June 25, 1866, which latter convention was superseded by the convention of November 22, 1894.

ARTICLE IV.

This convention having been agreed upon a year ago, and its signature delayed through unavoidable circumstances, it is hereby agreed that the same shall go into effect; at Kanagawa, on the 8th of February next, corresponding to the first day of the first month of the fourth Japanese year of Bunkin Ne, and at Nagasaki and Hakodate on the 9th day of March next, corresponding to the first day of the second month of the fourth Japanese year of Bunkin Ne.

Done in quadruplicate; each copy being written in the English, Japanese, and Dutch languages; all the versions having the same meaning, but the Dutch version shall be considered as the original.

In witness whereof the above-named Plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, the 28th day of January, of the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth, corresponding to the twentieth day of the twelfth month of the third year of Bunkin Ye of the Japanese era.

[SEAL.] ROBERT H. PRUYN.

1864.

CONVENTION FOR THE PAYMENT OF THE SIMONOSEKI INDEMNITIES.

Concluded October 22, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, Prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that Daimio for the destruction of foreign vessels and the stoppage of trade; and the Government of the Tycoon, on whom devolved the duty of chastising this rebellious Prince, being held responsible for any damage resulting to the interests of the treaty Powers, as well as the expenses occasioned by the expedition:

The undersigned, representatives of treaty Powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty Powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

1. The amount payable to the four Powers is fixed at three millions of dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

2. The whole sum to be payable quarterly, in instalments of one-sixth, or half a million dollars, to begin from the date when the representatives of said Powers shall make known to the Tycoon's Government the ratification of this convention and the instructions of their respective Governments.

3. Inasmuch as the receipt of money has never been the object of the said Powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign Governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

4. This convention to be formally ratified by the Tycoon's Government within fifteen days from the date thereof.

In token of which the respective Plenipotentiaries have signed and sealed this convention, in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the 9th month of the first year of Gengi.

ROBERT H. PRUYN,
Minister Resident of the United States in Japan.

RUTHERFORD ALCOCK,
H. B. M.'s Envoy Extraordinary and Minister Plenipotentiary in Japan.

LEON ROCHES,
Ministre Plénip're de S. M. L'Empereur des Français au Japon.

D. DE GRAEFF VAN POLSBROEK,
H. N. M.'s Consul General and Political Agent in Japan.

(Signature of Sakai Hida no Kami.)

1866.[a]

CONVENTION ESTABLISHING TARIFF OF DUTIES BETWEEN JAPAN AND THE UNITED STATES, GREAT BRITAIN, FRANCE, AND THE NETHERLANDS.

Concluded June 25, 1866; ratification advised by the Senate June 17, 1868.

ARTICLES.

I. Effect.
II. Revision.
III. Permits.
IV. Warehousing.
V. Transit charges.
VI. Coins.
VII. Protection of trade.
VIII. Japanese vessels; tonnage.
IX. Freedom of trade.
X. Importations; travel; employment of Japanese.
XI. Aids to navigation.
XII. Effect; ratification.
Tariff and rules.

The Representatives of the United States of America, Great Britain, France, and Holland, having received from their respective

[a] This treaty was not proclaimed and was superseded July 17, 1899, by the treaty of November 22, 1894.

Governments identical instructions for the modification of the Tariff of Import and Export Duties, contained in the Trade Regulations, annexed to the Treaties concluded by the aforesaid Powers with the Japanese Government in 1858, which modification is provided for by the VII[th] of those Regulations:—

And the Japanese Government having given the said Representatives, during their visit to Osaka, in November 1865, a written engagement to proceed immediately to the Revision of the Tariff in question on the general basis of a duty of five per cent on the value of all articles Imported or Exported:—

And the Government of Japan being desirous of affording a fresh proof of their wish to promote trade and to cement the friendly relations which exist between their country and foreign nations:—

His Excellency Midzuno Idzumi no Kami, a Member of the Gorojiu and a Minister of Foreign Affairs, has been furnished by the Government of Japan with the necessary powers to conclude with the Representatives of the above-named four Powers; that is to say;

Of the United States of America:—A. L. C. Portman, Esq., Chargé d'Affaires ad interim;

Of Great Britain:—Sir Harry S. Parkes, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan;

Of France:—Monsieur Leon Roches, Commander of the Imperial Order of the Legion of Honor, Minister Plenipotentiary of His Majesty the Emperor of the French in Japan;

And of Holland:—Monsieur Dirk de Graeff van Polsbroek, Knight of the Order of the Netherlands Lion, Political Agent and Consul General of his Majesty the King of the Netherlands:—

The following Convention comprising Twelve Articles.

Article I

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries, and on the subjects of their respective Sovereigns the Tariff hereby established and annexed to the present convention.

This Tariff is substituted not only for the original Tariff attached to the Treaties concluded with the abovenamed four Powers but also for the special Conventions and arrangements relative to the same Tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain and France on one side, and the Japanese Government on the other.

The new Tariff shall come into effect in the port of Kanagawa (Yokohama) on the first day of July next, and in the ports of Nagasaki and Hakodate on the first day of the following month.

Article II

The Tariff, attached to this convention, being incorporated from the date of its signature in the Treaties concluded between Japan and the above named four powers; is subject to revision on the first day of July, 1872. Two years, however, after the signing of the present convention, any of the contracting parties, on giving six months' notice to the others, may claim a re-adjustment of the duties on Tea

and Silk on the basis of 5 per cent on the average value of those articles during the three years last preceding. On the demand also of any of the contracting parties, the duty on timber may be changed from an ad valorem to a specific rate six months after the signature of this convention.

Article III

The Permit fee, hitherto levied under the VIth Regulation attached to the above named Treaties, is hereby abolished. Permits for the landing or shipment of cargo will be required as formerly, but will hereafter be issued free of charge.

Article IV

On and from the first day of July next at the port of Kanagawa (Yokohama) and on and from the 1st day of October next at the ports of Nagasaki and Hakodate, the Japanese Government will be prepared to warehouse imported goods, on the application of the importer or owner without payment of duty. The Japanese Government will be responsible for the safe custody of the goods so long as they remain in their charge, and will adopt all the precautions necessary to render them insurable against fire. When the importer or the owner wishes to remove the goods from the warehouse, he must pay the duties fixed by the Tariff, but if he should wish to re-export them, he may do so without payment of duty. Storage charges will in either case be paid on delivery of the goods. The amount of these charges together with the regulations necessary for the management of the said warehouses, will be established by the common consent of the contracting parties.

Article V

All articles of Japanese production may be conveyed from any place in Japan to any of the Ports open to foreign trade, free of any tax or transit duty other than the usual tolls levied equally on all traffic, for the maintenance of roads or navigation.

Article VI

In conformity with those articles of the treaties concluded between Japan and Foreign Powers, which stipulated for the circulation of foreign coin at its corresponding weight in native coin of the same description, dollars have hitherto been received at the Japanese Custom House in payment of duties at their weight in Boos, (commonly called Itchiboos) that is to say, at a rate of Three hundred and eleven Boos per Hundred Dollars. The Japanese Government, being however desirous to alter this practice and to abstain from all interference in the exchange of native for foreign coin, and being also anxious to meet the wants, both of native and foreign commerce by securing an adequate issue of native coin, have already determined to enlarge the Japanese Mint so as to admit of the Japanese Government exchanging into native coin of the same intrinsic value, less only the cost of coinage at the places named for this purpose; all foreign coin or bullion in gold or silver that may at any time be tendered to them by foreigners or Japanese. It being essential how-

ever to the execution of this measure, that the various Powers with whom Japan has concluded Treaties should first consent to modify the stipulations in those Treaties which relate to the currency, the Japanese Government will at once propose to those Powers the adoption of the necessary modification in the said stipulations, and on receiving their concurrence, will be prepared from the first of January 1868 to carry the above measure into effect.

The rates to be charged as the cost of coinage shall be determined hereafter, by the common consent of the contracting parties.

ARTICLE VII

In order to put a stop to certain abuses and inconveniences complained of at the open Ports, relative to the transaction of business at the Custom-house, the landing and shipping of cargoes, and the hiring of boats, coolies, servants &c the Contracting parties have agreed that the Governor at each open port shall at once enter into negotiations with the foreign Consuls with a view to the establishment, by mutual consent, of such regulations as shall effectually put an end to those abuses and inconveniences and afford all possible facility and security both to the operations of trade and to the transactions of individuals.

It is hereby stipulated that, in order to protect merchandize from exposure to weather, these regulations shall include the covering in at each port of one or more of the landing places used by foreigners for landing or shipping cargo.

ARTICLE VIII

Any Japanese subject shall be free to purchase, either in the open ports of Japan or abroad, every description of sailing or steam vessel intended to carry either passengers or cargo; but ships of war may only be obtained under the authorization of the Japanese government.

All foreign vessels purchased by Japanese subjects shall be registered as Japanese vessels, on payment of a fixed duty of three Boos per ton for steamers, and one Boo per ton for sailing vessels. The tonnage of each vessel shall be proved by the Foreign Register of the ship, which shall be exhibited through the Consul of the party interested, on the demand of the Japanese Authorities, and shall be certified by the Consul as authentic.

ARTICLE IX

In conformity with the Treaties concluded between Japan and the aforesaid Powers and with the special arrangements made by the Envoys of the Japanese Government, in their note to the British Government of the 6th of June 1862, and in their note to the French Government, of the sixth of October of the same year, all the restrictions on trade and intercourse between foreigners and Japanese alluded to in the said notes, have been entirely removed, and proclamations to this effect have already been published by the Government of Japan. The latter, however, do not hesitate to declare that Japanese merchants and traders of all classes are at liberty to trade directly, and without the interference of Government officers, with foreign merchants not only at the open Ports of Japan, but also in all Foreign countries, on being authorized to leave their country in the manner provided for in Article X of the present convention,

without being subject to higher taxation by the Japanese Government than that levied on the native trading classes of Japan in their ordinary transactions with each other.

And they further declare that all Daimios, or persons in the employ of Daimios are free to visit, on the same condition, any foreign country as well as all the open Ports of Japan, and to trade there with foreigners as they please without the interference of any Japanese officer, provided always they submit to the existing Police regulations and to the payment of the established duties.

Article X

All Japanese subjects may ship goods to or from any open Port in Japan, or to and from the Ports of any Foreign Power, either in vessels owned by Japanese, or in the vessels of any nation having a Treaty with Japan. Furthermore, on being provided with passports through the proper Department of the Government, in the manner specified in the Proclamation of the Japanese Government, dated the twenty third day of May 1866, all Japanese subjects may travel to any foreign country for purposes of study or trade. They may also accept employment in any capacity on board the vessels of any nation having a Treaty with Japan. Japanese in the employ of Foreigners may obtain Government passports to go abroad on application to the Government of any open port.

Article XI

The Government of Japan will provide all the Ports open to Foreign trade with such lights, buoys and beacons as may be necessary to render secure the navigation of the approaches to the said Ports.

Article XII

The undersigned being of opinion that it is unnecessary that this Convention should be submitted to their respective Governments for ratification before it comes into operation, it will take effect on and from the first day of July, one thousand eight hundred and sixty six.

Each of the Contracting Parties having obtained the approval of his Government to this Convention shall make known the same to the others, and the communication in writing of this approval shall take the place of a formal exchange of Ratifications.

In witness whereof the above named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Yedo in the English, French, Dutch and Japanese languages this twenty fifth day of June, one thousand eight hundred and sixty six.

[SEAL.] A. L. C. Portman,
Chargé d'Affaires a. i. of the United States in Japan.

[SEAL.] Harry S. Parkes,
H. B. M's Envoy Extraordinary & Minister Plenipotentiary in Japan.

[SEAL.] Leon Roches,
Ministre Plenipre de S. M. l'Empereur des Français au Japon.

[SEAL.] D. De Graeff Van Polsbroek,
H N M's Political Agent & Consul General v Japan.

[SEAL.] Midzuno Idzumi No Kami.

Import tariff.[a]

CLASS 1.—SPECIFIC DUTIES.

No.	Article.	Duty.		
		Per.	Boos.	Cents.
1	Alum	100 catt	0	15
2	Betel, Nut	"	0	45
3	Brass Buttons	Gross	0	22
4	Candles	100 catt	2	25
5	Canvas and Cotton Duck	10 yards	0	25
6	Cigars	Catty	0	25
7	Cloves and Mother Cloves	100 catt	1	00
8	Cochineal	"	21	00
9	Cordage	"	1	25
10	Cotton, Raw	"	1	25
	COTTON MANUFACTURES.			
11	Shirtings, Grey, White and Twilled; White Spotted or Figured, Drills and Jeans; White Brocades; T-Cloths; Cambrics; Muslins; Lawns; Dimities; Quiltings; Cottonets; all the above goods Dyed; Printed Cottons, Chintzes, and Furnitures;			
	A. Not exceeding 34 in wide	10 yards	0	07½
	B. " " 40 " "	"	0	08¾
	C. " " 46 " "	"	0	10
	D. Exceeding 46 " "	"	0	11½
12	Taffachelass not exceeding 31 inches	"	0	17½
	" exceeding 31 inches and not exceeding 43 inches	"	0	25
13	Fustians, as Cotton Velvets, Velveteens, Satins, Satinets, and Cotton Damasks, not exceeding 40 inches	"	0	20
14	Ginghams, not exceeding 31 inches	"	0	06
	" not exceeding 43 inches	"	0	09
15	Handkerchiefs	Dozen	0	05
16	Singlets and Drawers	"	0	30
17	Table-Cloths	Each	0	06
18	Cotton Thread, Plain or Dyed in reel or ball	100 catt	7	50
19	Cotton Yarn, plain or dyed	"	5	00
20	Cutch	100 pieces	0	75
21	Feathers (Kingfisher, Peacock, &c)	100 catt	1	50
22	Flints	"	0	12
23	Gambier	"	0	45
24	Gamboge	Bx of 100 sq. ft.	3	75
25	Glass, Window	100 catt	0	35
26	Glue	"	0	60
27	Gum Benjamin and Oil of Do	"	2	40
28	" Dragons Blood, Myrrh, Olibanum	"	1	80
29	Gypsum	"	0	08
30	Hides,—Buffalo and Cow	"	1	20
31	Horns,—Buffalo and Deer	"	1	05
32	" Rhinoceros	"	3	50
33	Hoofs	"	0	30
34	Indigo, liquid	"	0	75
35	" dry	"	3	75
36	Ivory,—Elephants' Teeth, all qualities	"	15	00
37	Paints,—as Red, White, and Yellow lead, (Minium, Ceruse, and Massicot,) and paint-oils	"	1	50
38	Leather	100 catt	2	00
39	Linen of all qualities	10 yards	0	20
40	Mangrove bark	100 catt	0	15
41	Matting, floor	Roll of 40 yds	0	75
	METALS.			
42	Copper and Brass in Slabs, Sheets, Rods, Nails	100 catt	3	50
43	Yellow metal,—Muntz Metal, Sheathing and Nails	"	2	50
44	Iron, manufactured, as in Rods, Bars, Nails, &c	"	0	30
45	Iron, manufactured, as in Pigs	"	0	15
46	" " as in Kentledge	"	0	06
47	" " as in Wire	"	0	80
48	Lead, pigs	"	0	80
49	" sheet	"	1	00
50	Spelter and Zinc	"	0	60
51	Steel	"	0	60
52	Tin	"	3	00
53	Tin plates	Bx. not ex. 90 catt.	0	70
54	Oil Cloth for flooring	10 yards	0	30
55	" or Leather Cloth for Furniture	"	0	15
56	Pepper, Black and White	100 catt	1	00
57	Putchuk	"	2	25
58	Quicksilver	"	6	00

[a] By the protocol November 22, 1894 (p. 359), it was agreed that the general statutory tariff of Japan should be made applicable to importations of goods and merchandise of the United States, one month after the ratifications of the treaty of the same date were exchanged, March 21, 1895.

Import tariff—Continued.

CLASS 1.—SPECIFIC DUTIES—Continued.

No.	Article.	Duty.		
		Per.	Boos.	Cents.
	METALS—continued.			
59	Quinine	Catty	1	50
60	Rattans	100 catt	0	45
61	Rhubarb	"	1	00
62	Salt fish	"	0	75
63	Sandal Wood	"	1	25
64	Sapan Wood	"	0	40
65	Sea horse Teeth	"	7	50
66	Narwhal or "Unicorn" Teeth	Catty	1	00
67	Sharks' Skins	100 pcs	7	50
68	Snuff	Catty	0	30
69	Soap, Bar	100 catt	0	50
70	Stick Lac	"	1	75
71	Sugar—Brown and Black	"	0	40
72	" White	"	0	75
73	" Candy and Loaf	"	1	00
74	Tobacco	"	1	80
75	Vermillion	"	9	00
	WOOLEN MANUFACTURES.			
76	Broad, Habit, Medium, and narrow cloth:			
	A. not exceeding 34 in	10 yards	0	60
	B. " " 55 inches	"	1	00
	C. exceeding 55 "	"	1	25
77	Spanish Stripes	"	0	75
78	Cassimeres, Flannel, Long-Ells and Serges	"	0	45
79	Bunting	"	0	15
80	Camlets, Dutch	"	0	75
81	" English	"	0	45
82	Lastings, Crape-Lastings, and Worsted Crapes, Merinos, and all other Woolen Goods not classed under No. 76:			
	A. not exceeding 34 inches	"	0	30
	B. exceeding 34 "	"	0	45
83	Woolen and Cotton Mixtures, as Imitation Camlets; Imitation Lastings; Orleans, (plain and figured,) Lustres, (plain and figured,) Alpacas; Baratheas, Damasks; Italian Cloth; Taffachelass; Russell Cords; Cassandras; Woolen Fancies; Camlet Cords, and all other Cotton and Woolen Mixtures:			
	A. not exceeding 34 inches	"	0	30
	B. exceeding 34 "	"	0	45
84	Blankets and Horse Cloths	10 catt	0	50
85	Traveling Rugs; Plaids and Shawls	Each	0	50
86	Figured Woolen Table Cloths	"	0	75
87	Woolen Singlets and Drawers	Dozen	1	00
88	Woolen & Cotton Singlets & Drawers	"	0	60
89	Woolen Yarn, plain and dyed	100 catties	10	00

CLASS II.—DUTY FREE GOODS.

All animals used for food or draught
Anchors and chain cables
Coal
Clothing (foreign) not being of articles named in this tariff
Gold and Silver, coined and uncoined.
Grain, including Rice, Paddy, Wheat, Barley, Oats; Rye, Peas, Beans, Millet, Indian-corn.
Flour and meal prepared from the above
Oil Cake.
Packing matting
Printed Books
Salt
Salted Meats in Casks
Saltpetre
Solder
Tar and Pitch
Tea Firing pans and baskets
Tea Lead
Traveling Baggage

CLASS III.—PROHIBITED GOODS.

Opium.

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT ON ORIGINAL VALUE.

Arms and munitions of war.
Articles de Paris
Boots and Shoes.
Clocks, Watches and Musical Boxes
Coral. Cutlery.
Drugs and Medicines such as Ginseng, &c.
Dyes.
Porcelain and Earthenware.
Furniture of all kinds new and second hand.
Glass and Crystal Ware.
Gold and Silver lace and thread.
Gums and Spices not named in Tariff.
Lamps, Looking Glasses.
Jewellery
Machinery and Manufactures in Iron or Steel.
Manufactures of all kinds in Silk, Silk and Cotton, or Silk and Wool, as Velvets, Damasks, Brocades, &c
Paintings and Engravings
Perfumery, Scented Soap.
Plated ware
Skins and Furs.
Telescopes and Scientific instruments
Timber
Wines, Malt and Spirituous Liquors.
Table stores of all kinds.
And all other unenumerated Goods.

NOTE.—According to the VIII[th] Article of the Convention of Yedo, a duty will be charged on the sale of Foreign Vessels to Japanese of three Boos per ton for Steamers, and one Boo per ton for Sailing Vessels.

Export tariff.

CLASS I.—SPECIFIC DUTIES.

No.	Article.	Duty.		
		Per—	Boos.	Cents.
1	Awabé	100 catt	3	00
2	" shells	"	0	08
3	Camphor	"	1	80
4	China Root (Bukrio)	"	0	75
5	Cassia	"	0	30
6	" buds	"	2	25
7	Coal	"	0	04
8	Cotton, Raw	"	2	25
9	Coir	"	0	45
10	Fish, dried or Salted, Salmon & Cod	"	0	75
11	do cuttle	"	1	05
12	Gall nuts	"	0	90
13	Ghinang or Ichio	"	0	45
14	Hemp	"	2	00
15	Honey	"	1	05
16	Horns, Deer, old	"	0	90
17	Irico or Bêche de Mer	"	3	00
18	Iron, Japanese	"	0	60
19	Isinglass	"	2	25
20	Lead	"	0	90
21	Mushrooms, all qualities	"	5	00
22	Oil, Fish	"	0	30
23	do Seed	"	1	05
24	Paper, Writing	"	3	00
25	Do. Inferior	"	1	00
26	Peas, Beans, and Pulse of all kinds	"	0	30
27	Peony Bark (Botanpi)	"	3	75

Export tariff—Continued.

CLASS I.—SPECIFIC DUTIES—Continued.

No.	Article.	Duty.		
		Per—	Boos.	Cents.
28	Potatoes	100 catt	0	15
29	Rags	"	0	12
30	Sake or Japanese Wines or Spirits	"	0	90
31	Seaweed, Uncut	"	0	30
32	" Cut	"	0	60
33	Seeds, Rape	"	0	45
34	Do. Sesamum	"	0	90
35	Shark's fins	"	1	80
36	Shrimps and Prawns, Dried Salt	"	1	80
	SILK.			
37	Raw and thrown	"	75	00
38	Tama or Dupioni	"	20	00
39	Noshi or Skin	"	7	50
40	Floss	"	20	00
41	Cocoons, Pierced	"	7	00
42	" Unpierced	"	12	00
43	Waste silk and Waste Cocoons	"	2	25
44	Silk Worm's Eggs	Sheet	0	07½
45	Soy	100 catt	0	45
46	Sulphur	"	0	30
47	Tea	"	3	50
48	" quality known as "Bancha" (when exported from Nagasaki only)	"	0	75
49	Tobacco, Leaf	"	0	75
50	" Cut or prepared	"	1	50
51	Vermicelli	"	0	45
52	Wax, Vegetable	"	1	50
53	" bees'	"	2	50

CLASS II.—DUTY-FREE GOODS.

Gold and Silver, coined.
Gold, Silver, and Copper, uncoined, of Japanese production, to be sold only by the Japanese Government at public auction.

CLASS III.—PROHIBITED GOODS.

Rice; Paddy; Wheat and Barley.
Flour made from the above
Saltpetre.

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT TO BE CALCULATED ON THEIR MARKET VALUE.

Bamboo Ware.
Copper Utensils of all kinds.
Charcoal.
Ginsing and unenumerated Drugs.
Horns, deer, young or soft.
Mats and Matting.
Silk dresses, manufactures or embroideries.
Timber.
And all other unenumerated goods.

RULES.

RULE I.

Unenumerated Imports, if mentioned in the Export list shall not pay duty under that list, but shall be passed ad valorem, and the same shall apply to any unenumerated Exports that may be named in the Import list.

RULE II.

Foreigners resident in Japan and the crews or passengers of foreign ships shall be allowed to purchase such supplies of the grain or flour named in the list of exports as they may require for their own consumption; but the usual shipping permit must be obtained from the Custom House before any of the aforesaid grain or flour can be shipped to a foreign vessel.

RULE III

The Catty mentioned in this Tariff is equal to one pound and a third English avoirdupois weight. The Yard is the English measure of three feet,—the English foot being one-eighth of an inch larger than the Japanese Kan Ishaku. The Boo is a silver coin weighing not less than 134 grains Troy weight and containing not less than nine parts of pure silver and not more than one part of alloy. The Cent is the one hundredth part of the Boo.

[SEAL.] A. L. C. PORTMAN,
Chargé d'Affaires a. i. of the United States in Japan.

[SEAL.] HARRY S. PARKES,
H. B. M.'s Envoy Extraordinary & Minister Plenipotentiary in Japan.

[SEAL.] LEON ROCHES,
Ministre plénipotentiaire de S. M. L'Empereur des Français au Japon.

[SEAL.] D. DE GRAEFF VAN POLSBROEK,
H. N. M's Political Agent & Consul General in Japan.

[SEAL.] MIDZUNO IDZUMI NO KAMI.

1878.[a]

COMMERCIAL CONVENTION.

Concluded July 25, 1878; ratification advised by the Senate December 18, 1878; ratified by the President January 20, 1879; ratifications exchanged April 8, 1879; proclaimed April 8, 1879.

ARTICLES.

I. Previous treaties annulled.
II. Discrimination of duties.
III. Export duties abolished.
IV. Consular courts.
V. Coasting trade.
VI. Cargo; port charges.
VII. Open ports.
VIII. Coinage.
IX. Annulment of former treaties.
X. Effect, ratification.

The President of the United States of America, and His Majesty the Emperor of Japan, both animated with the desire of maintaining the good relations which have so happily subsisted between their respective countries, and wishing to strengthen, if possible, the bond of friendship and to extend and consolidate commercial intercourse between the two countries by means of an additional convention, have for that purpose named as their respective plenipotentiaries; that is to say; the President of the United States, William Maxwell Evarts, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushie Yoshida Kiyonari, of the Order of the Rising Sun, and of the Third Class, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of

[a] This treaty was superseded July 17, 1899, by the treaty of November 22, 1894.

America, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles:

Article I.

It is agreed by the high contracting parties that the Tariff Convention, signed at Yedo on the 25th day of June, 1866, or the 13th of the 5th month of the second year of Keio, by the respective representatives of the United States, Great Britain, France and Holland on the one hand, and Japan on the other, together with the schedules of tariff on imports and exports and the bonded warehouse regulations, both of which are attached to the said convention, shall hereby be annulled and become inoperative as between the United States and Japan under the condition expressed in Article X. of this present convention; and all such provisions of the treaty of 1858, or the fifth year of Ansei, signed at Yedo, as appertain to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, which are attached to the said treaty of 1858, or the fifth year of Ansei, shall also cease to operate.

It is further understood and agreed that from the time when this present convention shall take effect, the United States will recognize the exclusive power and right of the Japanese government to adjust the customs tariff and taxes and to establish regulations appertaining to foreign commerce in the open ports of Japan.

Article II.

It is, however, further agreed that no other or higher duties shall be imposed on the importation into Japan of all articles of merchandise from the United States, than are or may be imposed upon the like articles of any other foreign country; and if the Japanese government should prohibit the exportation from, or importation into, its dominions of any particular article or articles, such prohibition shall not be discriminatory against the products, vessels or citizens of the United States.

Article III.

It is further agreed, that, as the United States charge no export duties on merchandise shipped to Japan, no export duties on merchandise shipped in the latter country for the United States shall be charged after this treaty shall go into effect.

Article IV.

It is further stipulated and agreed, that, so long as the first three sentences which are comprised in the first paragraph of article VI. of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese government for forfeitures or penalties for violations of such existing treaty, as well as for violations of the customs, bonded-warehouse and harbor regulations, which may, under this convention, from time to time, be established by that government, shall be sued for in the consular courts of the United States, whose duty it shall be to try each and every case fairly and

render judgment in accordance with the provisions of such treaty and of such regulations; and the amount of all forfeitures and fines shall be delivered to the Japanese authorities.

ARTICLE V.

It is understood and declared by the high contracting parties, that the right of controlling the coasting trade of Japan belongs solely, and shall be strictly reserved, to the government of that Empire.

ARTICLE VI.

It is, however, agreed, that vessels of the United States arriving at any port of Japan open to foreign commerce, may unload, in conformity with the customs laws of that country, such portions of their cargoes as may be desired, and that they may depart with the remainder, without paying any duties, imposts or charges whatsoever, except for that part which shall have been landed, and which shall be so noted on the manifest. The said vessels may continue their voyage to one or more other open ports of Japan, there to land the part or residue of their cargoes, desired to be landed at such port or ports. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, are to be paid only at the first port where they shall break bulk or unload part of their cargo; and that at any subsequent port used in the same voyage only the local port charges shall be exacted for the use of such port.

ARTICLE VII.

In view of the concessions made by the United States in regard to the customs tariff, and the customs and other regulations of Japan, as above stipulated in Article I., the government of Japan will, on the principle of reciprocity, make the following concessions, to wit: That two additional ports (whereof one shall be Shimo-no-seki, and the other shall be hereafter decided upon by the contracting parties jointly), from the date when the present convention may go into effect, shall be open to citizens and vessels of the United States, for the purposes of residence and trade.

ARTICLE VIII.

It is also agreed that, as the occasion for Article V. of the treaty of 1858, or the fifth year of Ansei, between the two countries is considered to have passed away, that article shall, after the present treaty shall have gone into effect, be regarded as no longer binding.

ARTICLE IX.

It is further agreed, that such of the provisions of the treaties or conventions heretofore concluded between the two countries and not herein expressly abrogated, as conflict with any provisions of the present convention are hereby revoked and annulled; that the present convention shall be considered to be and form a part of the exist-

ing treaties between the two countries; that the revision of such portions of the said treaties as are not modified or revoked by the present convention, as also the revision of the present convention itself, may be demanded hereafter by either of the high contracting parties; and that this convention, as well as the previous treaties as modified thereby, shall continue in force until, upon such a revision of the whole, or any part thereof, it shall be otherwise provided.

ARTICLE X.

The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all the other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as may be within fifteen months from the date hereof.

In faith whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the city of Washington, this twenty-fifth day of July, one thousand eight hundred and seventy-eight, or twenty-fifth day of the seventh month of the eleventh year of Meiji.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] YOSHIDA KIYONARI.

1880.

CONVENTION FOR REIMBURSING SHIPWRECK EXPENSES.[a]

Concluded May 17, 1880; ratification advised by the Senate March 23, 1881; ratified by the President April 7, 1881; ratifications exchange June 16, 1881; proclaimed October 3, 1881.

The United States of America and the Empire of Japan being desirous of concluding an agreement providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the the United States of America, John A. Bingham, their Envoy Extraordinary and Minister Plenipotentiary to His Imperial Majesty, and His Majesty the Emperor of Japan, Inouye Kaoru Sho-shii, Minister for Foreign Affairs and decorated with the 1st Class of the order of the Rising Sun, who after reciprocal communication of their full powers found in good and due form, have agreed as follows:

All expenses incurred by the Government of the United States for the rescue, clothing, maintenance and travelling of needy shipwrecked Japanese subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, unable to pay for such treatment, and for the burial of the dead, shall be repaid to the Government of the United States by that of Japan.

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[a] See Article XI, Treaty November 22, 1894.

And a similar course of procedure to the above shall be observed by the Government of the United States in the case of assistance being given by that of Japan to shipwrecked citizens of the United States.

But neither the Government of the United States, nor that of Japan shall be responsible for the repayment of the expenses incurred in the recovery or preservation of a wrecked vessel or the property on board. All such expenses shall be a charge upon the property saved, and shall be repaid by the parties interested therein upon receiving delivery of the same.

No charge shall be made by the Government of the United States nor by that of Japan for the expenses of the Government officers, police or local functionaries who shall proceed to the wreck, for the travelling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Government of the country, to which such officers police and local functionaries belong.

This convention shall be ratified by the respective Governments in due form of law, and the ratifications shall be exchanged at Washington as soon as may be. It shall take effect in the respective countries thirty days after the Exchange of said ratifications.

In witness whereof the respective Plenipotentiaries have hereunto affixed their signatures and seals.

Done, in duplicate in the English and Japanese languages at the City of Tokio, Japan, this 17th day of May in the year 1880. (17th day of the 5th month of the 13th year Meiji).

JOHN A. BINGHAM [SEAL.]
INOUYE KAORU [SEAL.]

1886.[a]

EXTRADITION TREATY.

Concluded April 29, 1886; ratification advised by the Senate with amendments June 21, 1886; ratified by the President July 13, 1886; ratifications exchanged September 27, 1886; proclaimed November 3, 1886.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Persons under arrest.
IV. Political offenses.
V. Procedure.
VI. Temporary detention.
VII. Delivery of citizens.
VIII. Expenses.
IX. Duration; ratification.

The President of the United States of America and his Majesty the Emperor of Japan having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter named and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, they have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

The President of the United States of America, Richard B. Hubbard, their Envoy Extraordinary and Minister Plenipotentiary near

[a] See extradition convention of 1906, page 1039.

His Imperial Majesty, and His Majesty the Emperor of Japan Count Inouye Kaoru, Jinsammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun &c. &c. &c. who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, all persons, who being accused or convicted of one of the crimes or offences named below in Article II, and committed within the jurisdiction of the one Party, shall be found within the jurisdiction of the other Party.

Article II.

1. Murder, and assault with intent to commit murder.
2. Counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit of either of the parties, and the utterance or circulation of the same.
3. Forgery or altering, and uttering what is forged or altered.
4. Embezzlement or criminal malversation of the public funds, committed within the jurisdiction of either party, by public officers or depositaries.
5. Robbery.
6. Burglary, defined to be the breaking and entering by night time into the house of another person with the intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night-time, with the intent to commit a felony therein.
7. The act of entering, or of breaking and entering, the offices of the Government and public authorities, or the offices of banks, banking-houses, savings-banks, trust companies, insurance or other companies, with the intent to commit a felony therein.
8. Perjury, or the subornation of perjury
9. Rape.
10. Arson.
11. Piracy by the law of nations.
12. Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship bearing the flag of the demanding country.
13. Malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

Article III.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition or to proceed with the trial: Provided that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

ARTICLE IV.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, or for any offense other than that in respect of which the extradition is granted.

ARTICLE V.

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, by superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime, a copy of the sentence of the court in which he was convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Japan, as the case may be, shall accompany the requisition. When the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country making the demand and of the depositions on which such warrant may have been issued, must accompany the requisition.

The fugitive shall be surrendered only on such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed.

ARTICLE VI.

On being informed by telegraph or other written communication through the diplomatic channel, that a lawful warrant has been issued by competent authority upon probable cause for the arrest of a fugitive criminal charged with any of the crimes enumerated in Article II of this Treaty, and, on being assured from the same source that a request for the surrender of such criminal is about to be made in accordance with the provisions of this Treaty, each Government will endeavor to procure so far as it lawfully may the provisional arrest of such criminal, and keep him in safe custody for a reasonable time, not exceeding two months, to await the production of the documents upon which the claim for extradition is founded.

ARTICLE VII.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention, but they shall have the power to deliver them up if in their discretion it be deemed proper to do so.

ARTICLE VIII.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has requested the extradition.

ARTICLE IX.

The present Treaty shall come into force sixty days after the exchange of the ratifications thereof. It may be terminated by either of them, but shall remain in force for six months after notice has been given of its termination.

The treaty shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the city of Tokio, the Twenty-ninth day of April, in the eighteen hundred and eighty-sixth [a] year of the christian era, corresponding to the Twenty-ninth day of the Fourth month, of the nineteenth year of Meiji.

[SEAL.] RICHARD B. HUBBARD.
[SEAL.] INOUYE KAORU.

1894.

TREATY OF COMMERCE AND NAVIGATION.[b]

Concluded November 22, 1894; ratification advised by the Senate with amendments February 5, 1895; ratified by the President February 15, 1895; ratifications exchanged March 21, 1895; proclaimed March 21, 1895.

ARTICLES.

I. Mutual freedom of trade, travel, etc.; taxes; exemptions.
II. Commerce and navigation.
III. Inviolability of dwellings, etc.
IV. Import duties.
V. Export duties.
VI. Transit dues, etc.
VII. Equality of shipping.
VIII. Tonnage, etc., dues.
IX. Port regulations.
X. Coasting trade.
XI. Vessels in distress, shipwrecks, etc.
XII. Nationality of vessels.
XIII. Deserters from ships.
XIV. Favored nation privileges.
XV. Consular officers.
XVI. Patents, trade-marks, and designs.
XVII. Abolition of foreign settlements in Japan.
XVIII. Former treaties superseded.
XIX. Date of taking effect.
XX. Ratification.
Protocol.

The President of the United States of America and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the

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[a] In the protocol of exchange of the ratifications of this treaty, signed by the Plenipotentiaries at Tokio, September 27, 1886, it is declared that "the eighteen hundred and eighty-sixth year of the christian era," is intended to mean the year A. D. 1886. The protocol also declares that notwithstanding the treaty provided that the exchange of the ratifications should take place at Washington, the Two High Contracting Parties, in order to save time, agreed that the exchange should take place at Tokio instead.

[b] The Japanese immigrant case (189 U. S., 86).

two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushii Shinichiro Kurino, of the Order of the Sacred Treasure, and of the Fourth Class; who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

Article I.

The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most favored nation. The citizens or subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most favored nation.

The citizens or subjects of either of the Contracting Parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

Article II.

There shall be reciprocal freedom of commerce and navigation between the territories of the two High Contracting Parties.

The citizens or subjects of each of the High Contracting Parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native citizens or subjects, or citizens or subjects of the most favored nation.

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

Article III.

The dwellings, manufactories, warehouses, and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for citizens or subjects of the country.

Article IV.

No other or higher duties shall be imposed on the importation into the territories of the United States of any article, the produce or manufacture of the territories of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the territories of His Majesty the Emperor of Japan of any article, the produce or manufacture of the territories of the United States, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or

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manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

ARTICLE V.

No other or higher duties or charges shall be imposed in the territories of either of the High Contracting Parties on the exportation of any article to the territories of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other country.

ARTICLE VI.

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

ARTICLE VII.

All articles which are or may be legally imported into the ports of the territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in vessels of the United States, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are or may be legally imported into the ports of the territories of the United States in vessels of the United States may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in vessels of the United States. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese vessels or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

ARTICLE VIII.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or

establishments of any kind, shall be imposed in the ports of the territories of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

Article IX.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbors or rivers of the territories of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

Article X.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances and regulations of the United States and Japan, respectively. It is, however, understood that citizens of the United States in the territories of His Majesty the Emperor of Japan and Japanese subjects in the territories of the United States, shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances and regulations to the citizens or subjects of any other country.

A vessel of the United States laden in a foreign country with cargo destined for two or more ports in the territories of His Majesty the Emperor of Japan, and a Japanese vessel laden in a foreign country with cargo destined for two or more ports in the territories of the United States, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and customs regulations of the two countries.

The Japanese Government, however, agrees to allow vessels of the United States to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

Article XI.[a]

Any ship-of-war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in the port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part

[a] See Convention of 1880.

of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship-of-war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked or cast on shore in the territorial waters of the United States, shall take place in accordance with the laws of the United States, and, reciprocally, all measures of salvage relative to vessels of the United States, wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws, ordinances and regulations of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the High Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the citizens or subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

Article XII.

All vessels which, according to United States law, are to be deemed vessels of the United States, and all vessels which, according to Japanese law, are to be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed vessels of the United States and Japanese vessels, respectively.

Article XIII.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of

the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or subjects of the country where the desertion takes place.

ARTICLE XIV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, citizens or subjects of any other State, shall be extended to the Government, ships, citizens, or subjects of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

ARTICLE XV.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents, in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to every other Power.

The Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favored nation.

ARTICLE XVI.[a]

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE XVII.

The High Contracting Parties agree to the following arrangement:—

The several Foreign Settlements in Japan shall, from the date this Treaty comes into force, be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. The competent Japanese Authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements shall at the same time be transferred to the said Japanese Authorities.

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[a] In effect March 8, 1897.

When such incorporation takes place existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular Authorities mentioned in the same are in all cases to be replaced by the Japanese Authorities. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

ARTICLE XVIII.

This treaty shall, from the date it comes into force, be substituted in place of the Treaty of Peace and Amity concluded on the 3d day of the 3d month of the 7th year of Kayei, corresponding to the 31st day of March, 1854; the Treaty of Amity and Commerce concluded on the 19th day of the 6th month of the 5th year of Ansei, corresponding to the 29th day of July, 1858; the Tariff Convention concluded on the 13th day of the 5th month of the 2nd year of Keio, corresponding to the 25th day of June, 1866; the Convention concluded on the 25th day of the 7th month of the 11th year of Meiji, corresponding to the 25th day of July, 1878, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

ARTICLE XIX.

This Treaty shall go into operation on the 17th day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

ARTICLE XX.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged, either at Washington or Tokio, as soon as possible and not later than six months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 22d day of November in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22d day of the 11th month of the 27th year of Meiji.

WALTER Q. GRESHAM [SEAL]
SHINICHIRO KURINO. [SEAL]

Protocol.

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day the Import Tariff now in operation in Japan in respect of goods and merchandise imported into Japan by citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan shall, subject to the provisions of Article IX of the Treaty of March 31, 1854, at present subsisting between the Contracting Parties, so long as said Treaty remains in force, and, thereafter, subject to the provisions of Article IV and Article XIV of the Treaty signed this day, be applicable to goods and merchandise being the growth, produce or manufacture of the Territories of the United States upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs or any other indecent or obscene articles; articles in violation of the patent, trade-mark or copy-right laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

2. The Japanese Government, pending the opening of the country to citizens of the United States, agrees to extend the existing passport system in such a manner as to allow citizens of the United States, on the production of a certificate of recommendation from the Representative of the United States at Tokio, or from any of the Consuls of the United States at the open ports of Japan, to obtain upon application passports available for any part of the country and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tokio, or from the Chief Authorities in the Prefecture in which an open port is situated, it being understood that the existing Rules and Regulations governing citizens of the United States who visit the interior of the Empire are to be maintained.

3. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their seals.

Done at Washington the 22d day of November in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22d day of the 11th month of the 27th year of Meiji.

Walter Q. Gresham [seal]
Shinichiro Kurino [seal]

1897.

Convention as to Patents, Trade-Marks, and Designs.

Concluded January 13, 1897; ratification advised by the Senate February 1, 1897; ratified by the President February 2, 1897; ratifications exchanged March 8, 1897; proclaimed March 9, 1897.

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of securing immediate reciprocal protection for patents, trade-marks and designs, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, the Honorable Richard Olney, Secretary of State of the United States; and His Majesty the Emperor of Japan, Toru Hoshi, Jushii, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

Article XVI of the Treaty of Commerce and Navigation between the United States of America and Japan concluded at Washington on the twenty-second day, the eleventh month, the twenty-seventh year of Meiji, corresponding to the twenty-second day of November, eighteen hundred and ninety-four of the Christian Era, shall have full force and effect from the date of the exchange of ratifications of this convention.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Japan in the usual manner; and the ratifications shall be exchanged at Tokyo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed this convention and have thereunto affixed their seals.

Done, in duplicate original, at Washington, this thirteenth day of January in the one thousand eight hundred and ninety seventh year of the Christian Era.

Richard Olney [seal]
Toru Hoshi [seal]

1905.

Copyright Convention.

Signed at Tokio November 10, 1905; ratification advised by the Senate February 28, 1906; ratified by the President March 7, 1906; ratifications exchanged at Tokio May 10, 1906; proclaimed May 17, 1906.

Articles.

I. Reciprocal protection.
II. Translation of books, etc.
III. Ratification.

The President of the United States of America and his Majesty the Emperor of Japan being equally desirous to extend to their sub-

jects and citizens the benefit of legal protection in both countries in regard to copyright, have, to this end, decided to conclude a Convention, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and

His Majesty the Emperor of Japan, General Count Taro Katsura, Junii, First Class of the Imperial Order of the Rising Sun, Third Class of the Imperial Order of the Golden Kite, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:

Article I.

The subjects or citizens of each of the two High Contracting Parties shall enjoy in the dominions of the other, the protection of copyright for their works of literature and art as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject however to the provisions of Article II of the present Convention.

Article II.

The subjects or citizens of each of the two High Contracting Parties may without authorization translate books, pamphlets or any other writings, dramatic works, and musical compositions, published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

Article III.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into operation from the date of the exchange of ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the Contracting Parties shall have the right at any time, to give notice to the other of its intention to terminate the present Convention, and at the expiration of three months after such notice is given this Convention shall wholly cease and determine.

In witness whereof the above mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 10th day of November, of year one thousand nine hundred and five, corresponding to the 10th day of the 11th month of the 38th year of Meiji.

[SEAL.] Lloyd C. Griscom.
[SEAL.] Taro Katsura.

1906.

Supplementary Extradition Convention.

Signed at Tokyo, May 17, 1906; ratification advised by the Senate, June 22, 1906; ratified by the President, June 28, 1906; ratifications exchanged at Tokyo, September 25, 1906; proclaimed, September 26, 1906.

Articles.

EXTRADITABLE CRIMES.

The President of the United States of America and His Majesty the Emperor of Japan being desirous to add the crimes of embezzlement of private moneys or property and larceny to the list of crimes or offences on account of which extradition may be granted under the Treaty concluded between the two countries on the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji), with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention, and, for this purpose, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Huntington Wilson, Chargé d'Affaires ad interim of the United States of America at Tokio, and

His Majesty the Emperor of Japan, Marquis Kinmoti Saïonzi, Shonii, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

Article.

The following crimes are added to the list of crimes or offences numbered 1 to 13 in the second Article of the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji), on account of which extradition may be granted, that is to say:

Embezzlement by persons hired or salaried, to the detriment of their employers, where the amount of money or the value of the property embezzled is not less than $200 or 400 Yen.

Larceny, where the offence is punishable by imprisonment for one year or more, or for which sentence of imprisonment for one year or more has been pronounced.

The present Convention shall be ratified and the ratifications shall be exchanged at Tokio as soon as possible.

It shall come into force ten days after the exchange of the ratifications, and it shall continue and terminate in the same manner as the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji).

In testimony whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 17th day of May, one thousand nine hundred and six (corresponding to the 17th day of the 5th month of the 39th year of Meiji).

[SEAL] HUNTINGTON WILSON.
[SEAL] MARQUIS SAÏONZI.

1908.

ARBITRATION CONVENTION.

Signed at Washington, May 5, 1908; ratification advised by the Senate, May 13, 1908; Ratified by the President, August 19, 1908; Ratifications exchanged at Washington, August 24, 1908; Proclaimed, September 1, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The President of the United States of America and His Majesty the Emperor of Japan, taking into consideration the fact that the High Contracting parties to the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for the purpose have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the

powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals.

Done at the City of Washington, in duplicate, this fifth day of May, one thousand nine hundred and eight, corresponding to the fifth day of the fifth month of the forty-first year of Meiji.

[SEAL] ELIHU ROOT
[SEAL] K. TAKAHIRA

1908.

TREATY CONCERNING PROTECTION OF TRADE MARKS IN KOREA.

Concluded May 19, 1908; ratification advised by the senate May 20, 1908; ratified by the President June 2, 1908; ratifications exchanged August 6, 1908; Proclaimed August 11, 1908.

ARTICLES.

I. Protection of trade mark, etc., in Korea.
II. Infringement.
III. Citizens of possessions of United States.
IV. Rights of Korean subjects.
V. Reciprocal protection of inventions, designs etc.
VI. Protection of commercial names.
VII. Ratification.

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in Korea due protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The Japanese Government shall cause to be enforced in Korea simultaneously with the operation of this convention, laws and regulations relative to inventions, designs, trade marks and copyrights similar to those which now exist in Japan.

These laws and regulations are to be applicable to American citizens in Korea equally as to Japanese and Korean subjects. In case the existing laws and regulations of Japan referred to in the preceding paragraph shall hereafter be modified, those laws and regulations enforced in Korea shall also be modified according to the principle of such new legislation.

ARTICLE II.

The Government of the United States of America engages that in case of the infringement by American citizens of inventions, designs, trade marks or copyrights entitled to protection in Korea, such citizens shall in these respects be under the exclusive jurisdiction of the Japanese courts in Korea, the extraterritorial jurisdiction of the United States being waived in these particulars.

ARTICLE III.

Citizens of possessions belonging to the United States shall have in respect to the application of the present convention the same treatment as citizens of the United States.

ARTICLE IV.

Korean subjects shall enjoy in the United States the same protection as native citizens in regard to inventions, designs, trade marks and copyrights upon the fulfillment of the formalities prescribed by the laws and regulations of the United States.

ARTICLE V.

Inventions, designs, trade marks and copyrights duly patented or registered in Japan by citizens of the United States prior to the enforcement of the laws and regulations mentioned in Article I hereof shall without further procedure be entitled under the present convention to the same protection in Korea as is or may hereafter be there accorded to the same industrial and literary properties similarly patented or registered by Japanese or Korean subjects.

Inventions, designs, trade marks and copyrights duly patented or registered in the United States by citizens or subjects of either High Contracting Party or by Korean subjects prior to the operation of the present convention shall similarly be entitled to patent or registration in Korea without the payment of any fees, provided that said inventions, designs, trade marks and copyrights are of such a character as to permit of their patent or registration under the laws and

regulations above-mentioned and provided further that such patent or registration is effected within a period of one year after this convention comes into force.

ARTICLE VI.

The Japanese Government engages to extend to American citizens the same treatment in Korea in the matter of protection of their commercial names as they enjoy in the dominions and possessions of Japan under the convention for the protection of industrial property signed at Paris March 20, 1883.

"Hong" marks shall be considered to be commercial names for the purpose of this convention.

ARTICLE VII.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force ten days after such exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the City of Washington, the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON [SEAL.]
K. TAKAHIRA [SEAL.]

1908.

TREATY CONCERNING PROTECTION OF TRADE MARKS IN CHINA.

Concluded May 19, 1908; ratification advised by the senate May 20, 1908; ratified by the President June 2, 1908; ratifications exchanged August 6, 1908; proclaimed August 11, 1908.

ARTICLES.

I. Protection of trade marks in China.
II. Protection of copyrights in China.
III. Infringement.
IV. Protection of commercial names.
V. Citizens of possessions of the United States and subjects of Korea.
VI. Insular possessions and leased territories.
VII. Cancellation of false trade marks.
VIII. Unauthorized reproductions of works of literature and art.
IX. Ratification.

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in China reciprocal protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Inventions, designs and trade marks duly patented or registered by citizens or subjects of one High Contracting Party in the appropriate office of the other Contracting Party shall have in all parts of China the same protection against infringement by citizens or subjects of such other Contracting Party as in the dominions and possessions of such other Contracting Party.

ARTICLE II.

The citizens or subjects of each of the two High Contracting Parties shall enjoy in China the protection of copyright for their works of literature and art as well as photographs to the same extent as they are protected in the dominions and possessions of the other party.

ARTICLE III.

In case of infringement in China by a citizen or subject of one of the two High Contracting Parties of any invention, design, trade mark or copyright entitled to protection in virtue of this convention the aggrieved party shall have in the competent territorial or consular courts of such Contracting Party the same rights and remedies as citizens or subjects of such Contracting Party.

ARTICLE IV.

Each High Contracting Party engages to extend to the citizens or subjects of the other Contracting Party the same treatment in China in the matter of protection of their commercial names as they enjoy in the dominions and possessions of such Contracting Party under the convention for the protection of industrial property signed at Paris March 20, 1883. "Hong" marks shall be considered to be commercial names for the purpose of this convention.

ARTICLE V.

Citizens of possessions belonging to the United States and subjects of Korea shall have in China the same treatment under the present convention as citizens of the United States and subjects of Japan respectively

ARTICLE VI.

It is mutually agreed between the High Contracting Parties that the present convention shall be enforced so far as applicable in any other country in which either Contracting Party may exercise extraterritorial jurisdiction.

All rights growing out of the present convention shall be recognized in the insular and other possessions and leased territories of the High Contracting Parties and all legal remedies provided for the protection of such rights shall be duly enforced by the competent courts.

ARTICLE VII.

Any person amenable to the provisions of this convention who possesses at the time the present convention comes into force merchandise bearing an imitation of a trade mark owned by another person and entitled to protection under said convention shall remove or cancel such false trade mark or withdraw such merchandise from market in China within six months from the date of the enforcement of this convention.

ARTICLE VIII.

Unauthorized reproductions by the citizens or subjects of one High Contracting Party prior to the operation of this convention of the works of literature and art as well as photographs of the citizens or subjects of the other Contracting Party published after the 10th day of May, 1906, and entitled to protection in virtue of this convention shall be withdrawn from sale or circulation in China within one year from the date of the enforcement of this convention.

ARTICLE IX.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force together with the convention relative to the protection of inventions, designs, trade marks and copyrights in Korea, ten days after such exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON [SEAL.]
K. TAKAHIRA [SEAL.]

1908.

Notes Exchanged between the United States and Japan November 30, 1908, Declaring their Policy in the Far East.

IMPERIAL JAPANESE EMBASSY,
Washington, November 30, 1908.

SIR: The exchange of views between us, which has taken place at the several interviews which I have recently had the honor of holding with you, has shown that Japan and the United States holding important outlying insular possessions in the region of the Pacific Ocean, the Governments of the two countries are animated by a common aim, policy, and intention in that region.

Believing that a frank avowal of that aim, policy, and intention would not only tend to strengthen the relations of friendship and good neighborhood, which have immemorially existed between Japan and the United States, but would materially contribute to the preservation of the general peace, the Imperial Government have authorized me to present to you an outline of their understanding of that common aim, policy, and intention:

1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.

3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

4. They are also determined to preserve the common interest of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

If the foregoing outline accords with the view of the Government of the United States, I shall be gratified to receive your confirmation.

I take this opportunity to renew to Your Excellency the assurance of my highest consideration.

K. TAKAHIRA

Honorable ELIHU ROOT,
Secretary of State.

DEPARTMENT OF STATE,
Washington, November 30, 1908.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of to-day setting forth the result of the exchange of views between us in our recent interviews defining the understanding of the two Governments in regard to their policy in the region of the Pacific Ocean.

It is a pleasure to inform you that this expression of mutual understanding is welcome to the Government of the United States as appropriate to the happy relations of the two countries and as the occasion for a concise mutual affirmation of that accordant policy respecting the Far East which the two Governments have so frequently declared in the past.

I am happy to be able to confirm to Your Excellency, on behalf of the United States, the declaration of the two Governments embodied in the following words:

1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo

in the region above mentioned, and to the defense of the principle of equal opportunity for commerce and industry in China.

3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

4. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

His Excellency
BARON KOGORO TAKAHIRA,
Japanese Ambassador.

KONGO.

(SEE CONGO, PAGE 327.)

KOREA.

(SEE COREA, PAGE 334.)

LEW CHEW.

1854.

Compact of Friendship and Commerce.

Concluded July 11, 1854; ratification advised by the Senate March 3, 1855; ratified by the President March 9, 1855; proclaimed March 9, 1855.

Hereafter, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever articles these people ask for, whether from the officers or people, which the Country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever Ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with Wood and Water, at reasonable prices, but if they wish to get other articles, they shall be purchaseable only at Napa.

If Ships of the United States are wrecked on Great Lew Chew or on Islands under the jurisdiction of the Royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the Ships of that Nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the Nation they belong to.

Whenever persons from Ships of the United States come ashore in Lew Chew, they shall be at liberty, to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the Captain of the Ship to which they belong for punishment by him.

At Tumai is a burial ground for the Citizens of the United States, where their graves and tombs shall not be molested.

The Government of Lew Chew shall appoint skillful pilots, who shall be on the lookout for Ships appearing off the Island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the Captain shall pay the pilot Five Dollars, and the same for going out of the harbor beyond the reefs.

Whenever Ships anchor at Napa, the officers shall furnish them with Wood at the rate of Three Thousand Six hundred Copper Cash per thousand catties; and with Water at the rate of 600 Copper Cash (43 cents) for one thousand catties, or Six barrels full, each containing 30 American Gallons.

Signed in the English and Chinese languages by Commodore Matthew C. Perry, Commander in Chief of the United States Naval Forces in the East India, China and Japan Seas, and Special Envoy to Japan, for the United States; and by Sho Fu fing, Superintendent of Affairs (Tsu li-kwan) in Lew Chew, and Ba Rio-si, Treasurer of Lew Chew, at Shni, for the Government of Lew-Chew, and copies exchanged, this 11th day of July, 1854, or the reign Hien fung, 4th year, 6th moon, 7th day, at the Town Hall of Napa.

M, C, PERRY
SHO FU FING.
BA RIO-SI.

LIBERIA.

1862.

Treaty of Commerce and Navigation.

Concluded October 21, 1862; ratification advised by the Senate January 9, 1863; ratified by the President January 12, 1863; ratifications exchanged February 17, 1863; proclaimed March 18, 1863.

Articles.

I. Amity.
II. Freedom of commerce.
III. No discrimination in vessels.
IV. Imports and exports.
V. Shipwrecks and salvage.
VI. Most favored nation privileges.
VII. Consuls.
VIII. Noninterference in Liberia.
IX. Ratification.

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; and to effect this, they have named as their respective plenipotentiaries, that is to say:

The President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James; and the Republic of Liberia, His Excellency Stephen Allen Benson, President thereof;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

Article II.

There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in and trade to any part of the territories of the Republic of Liberia to which any other for-

eigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories.

Article III.

No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and in like manner no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

Article IV.

Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels on as favorable terms as by the citizens and vessels of any other foreign country.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

Article V.

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged on the coasts or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

ARTICLE VI.

It being the intention of the two contracting parties to bind themselves by the present treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other contracting party gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE VII.

Each contracting party may appoint consuls for the protection of trade, to reside in the dominions of the other; but no such consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

ARTICLE VIII.

The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizen suffer loss, in person or property, from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice, the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

ARTICLE IX.

The present treaty shall be ratified, and the ratifications exchanged at London, within the space of nine months from the date hereof.

In testimony whereof the Plenipotentiaries before mentioned have hereunto subscribed their names and affixed their seals.

Done at London the twenty-first day of October, in the year one thousand eight hundred and sixty-two.

[SEAL.] CHARLES FRANCIS ADAMS.
[SEAL.] STEPHEN ALLEN BENSON.

LUBEC.

(SEE HANSEATIC REPUBLICS.)

LUXEMBURG.

1883.

Extradition Convention.

Concluded October 29, 1883; ratification advised by the Senate July 4, 1884; ratified by the President July 5, 1884; ratifications exchanged July 14, 1884; proclaimed August 12, 1884.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Trials of persons surrendered.
IV. Political offenses.
V. Delivery of citizens.
VI. Persons under arrest.
VII. Procedure.
VIII. Expenses.
IX. Limitations.
X. Articles in possession of accused.
XI. Duration; ratification.

The United States of America and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses hereinafter enumerated, and being fugitives from justice, should, under certain circumstances be reciprocally delivered up, have resolved to conclude a convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr. A. A. Sargent, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Germany at Berlin; and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Dr. Paul Eyschen, His Director general of the Department of justice and Chargé d'Affaires of the Grand Duchy of Luxemburg at Berlin, Chevalier of the 2nd Class of the Order of the Golden Lion of the House of Nassau, Commander of the Order of the Crown of Oak and of that of the Lion of the Netherlands, &c, &c, &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Luxemburg mutually agree to deliver up persons who, having been charged as principals or accessories, with or convicted of any of the

crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other. Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of the convention, with any of the following crimes:

1°. Murder, comprehending the crimes designated in the penal code of Luxemburg by the terms of parricide, assassination, poisoning and infanticide;

2°. The attempt to commit murder;

3°. Rape, or attempt to commit rape, bigamy, abortion;

4°. Arson;

5°. Piracy or mutiny on shipboard whenever the crew or part thereof shall have taken possession of the vessel by fraud or violence against the commander;

6°. The crime of burglary defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the laws of Luxemburg under the description of thefts committed in an inhabited house by night and by breaking in, by climbing or forcibly; and thefts committed with violence or by means of threats.

7°. The crime of forgery by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts;

8°. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank-notes, obligations, or, in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of State and public administrations and the utterance thereof;

9°. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries;

10°. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed;

11°. Wilful and unlawful destruction or obstruction of rail-roads which endangers human life;

12°. Reception of articles obtained by means of one of the crimes or offenses provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable by the laws of both contracting parties.

ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He may however be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, and notice of the purpose to so try him, with specification of the offense charged, shall be given to the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in article 7 of this convention.

The consent of that government shall be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in article 2, shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offense or an act connected with such an offense.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VII.

Requisitions of the surrender of fugitives from justice shall always be made through a diplomatic channel.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and attestation of the official character of the judge by the proper executive authority; and of the latter by the minister or consul of the United States or by the minister or consul charged with the interests of Luxemburg, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper authority in Luxemburg may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VIII.

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ARTICLE IX.

Extradition shall not be granted in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XI.

The present convention shall take effect thirty days after the exchange of ratifications.

It may be terminated by either of the contracting parties, but shall remain in force for six months after notice has been given for its termination.

It shall be ratified and its ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles both in the English and French languages, and they have thereunto affixed their seals.

Done, in duplicate, at the city of Berlin, this 29th day of October, A. D. 1883.

[SEAL.] A. A. SARGENT.
[SEAL.] PAUL EYSCHEN.

1904.

DECLARATION FOR THE PROTECTION OF TRADE-MARKS.

Signed at Luxemburg, December 23, 1904; signed at The Hague, December 27, 1904; ratification advised by the Senate, February 3, 1905; ratified by the President, March 15, 1905; proclaimed, March 15, 1905.

ARTICLES.

I. Reciprocal protection.
II. Formalities to be fulfilled.
III. Ratification.

DECLARATION.

The Government of the United States of America and the Government of the Grand Duchy of Luxemburg being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the undersigned, being duly authorized to that effect, have agreed upon the following provisions.

ARTICLE I.

The subjects and citizens of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same rights as are given to native subjects or citizens in matters relating to trade-marks.

ARTICLE II.

In order to secure to their marks the protection stipulated for by the preceding article, American citizens in the Grand Duchy of Luxemburg and Luxemburg subjects in the United States of America must fulfil the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

ARTICLE III.

The present arrangement shall take effect from the date of its official publication in the two countries and shall remain in force until the expiration of twelve months immediately following a denunciation made by one or the other of the contracting parties.

In witness whereof, the undersigned have signed the present Declaration and have thereto affixed their seals.

Done in duplicate at Luxemburg, the 23, and in the Hague, the 27 December 1904.

STANFORD NEWEL [SEAL.]
EYSCHEN [SEAL.]

MADAGASCAR.

Madagascar having become a colony of France, the treaties of 1867 and 1881 have become obsolete.

1867.[a]

Treaty of Commerce and Navigation.

Concluded February 14, 1867; ratification advised by the Senate January 20, 1868; ratified by the President January 24, 1868; ratifications exchanged July 8, 1868; proclaimed October 1, 1868.

Articles.

I. Amity.
II. Rights of person and property.
III. Tariff duties.
IV. Consuls.
V. Privileges of citizens.
VI. Vessels; deserters.
VII. Shipwrecks.
VIII. Ratification.

Between Rainimaharavo, Chief Secretary of State, 16 vtra., Andriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the Government of Her Majesty the Queen of Madagascar, and Major John P. Finkelmeier, the Comercial Agent of the U. S. for Madagascar, on the part of the Government of the U. S. of America, all duly authorized to that effect by their respective Governments, the following articles of a comercial treaty have this day been drawn up and signed by mutual agreement:

I.

Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the U. S. of America, both desirous, for the good and welfare of their respective countries, to enter into a more close comercial relation and friendship between the subjects of Her Majesty and the people of the U. S., hereby solemnly declare that peace and good friendship shall exist between them and their respective heirs and successors forever without war.

II.

The dominions of each contracting party, as well as the right of domicil of their inhabitants, are sacred; and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of

[a] This treaty was superseded by the treaty of 1881.

either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the Kingdom are in certain premises, they may be entered in concert with the U. S. Consul, or, in his absence, by a duly authorized officer, to look after the offender.

The right of sovereignty shall in all cases be respected in the dominions of one Government by the subjects or citizens of the other. Citizens of the U. S. of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs; new places of worship, however, shall not be builded by them without the permission of the Government.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or storehouses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines on land leased by them, in accordance with the laws of Madagascar for buildings; hire labourers, not soldiers, and if slaves, not without permission of their masters.

Should the Queen, however, require the services of such labourers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring labourers may be executed by deeds signed before the U. S. Consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the controle of a Governor, duly appointed by Her Majesty, with the exception of Ambohimanga, Ambohimanambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of comerce granted to other favoured nations.

The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the U. S. of America.

III.

Comerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favoured nations are now or may hereafter be trading. Citizens of America shall, however, pay a duty, not exceeding ten per cent. on both export and import in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported only by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, light-house dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favoured nations shall not equally be liable.

Ports of Madagascar, where there is no military station under the controle of a Governor, must not be entered by U. S. vessels.

IV.

Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favoured nations, to be witness of the good relationship existing between both nations and to regulate and protect commerce.

V.

Citizens of the U. S. who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in America, are subject to the laws of trade and comerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary power.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

All disputes and differences arising within the dominions of Her Majesty between citizens of the U. S. and subjects of Madagascar shall be decided before the U. S. Consul and an officer duly authorized by Her Majesty's Government who shall afford mutual assistance and every facility to each other in recovering debts.

VI.

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar, nor shall any subject of Her Majesty the Queen be permitted to embark on board of an American vessel without a passport from Her Majesty's Government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American Consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant-vessel.

VII.

In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, Her Majesty engages to order the Governor to grant every assistance in his power to secure the property and to restore it to the owner or to the U. S. Consul, if this be not impossible.

VIII.

The above articles of treaty, made in good faith, shall be submitted to both the Government of the U. S. of America and Her Majesty the Queen of Madagascar for ratification, and such ratifications be exchanged within six months from date of ratification, at Antananarivo.

Should it, at any future time, seem desirable, in the interest of either of the contracting parties, to alter or add to the present treaty.

such alterations or additions shall be effected with the consent of both parties.

Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo this day.

SUPPLEMENTARY ARTICLE TO § II.

P. S.—Should there be any business of the Queen requiring the services of such labourers, they shall be permitted to leave without giving previous notice. The sentence in Article II, stating that previous notice must be given, refers only to labourers leaving on their own account.

[SEAL.] J. P. FINKELMEIER, *U. S. C. A.*
[SEAL.] RAINIMAHARAVO,
Chief Secretary of State, 16 vtra.
ANDRIANTSITOHAINA, *16 vtra.*
RAFARALAHIBEMALO,
Loholona Chibe amy ny Brz.

ANTANANARIVO, *14th February, 1867.*

1881.[a]

TREATY OF FRIENDSHIP AND COMMERCE.

Concluded May 13, 1881; ratification advised by the Senate February 27, 1883; ratified by the President March 10, 1883; ratifications exchanged March 12, 1883; proclaimed March 13, 1883.

ARTICLES.

I. Friendship.
II. Rights of domicile, etc.
III. Personal and property rights.
IV. Commerce, etc.
V. Consuls.
VI. Civil rights.
VII. Sanitary regulations, passports, etc.
VIII. Shipwrecks, etc.
IX. American goods shipped to.
X. Development of industries.
XI. Taxes.
XII. Ratification.

Whereas a treaty of friendship and commerce between the Government of Madagascar and the Government of the United States of America was concluded on the fourteenth of February, 1867, at Antananarivo, the capital of Madagascar, under which the most friendly relations between the two have existed up to the present time; and whereas Her Majesty Ranavalomanjaka, Queen of Madagascar, and his Excellency James A. Garfield, President of the

[a] This treaty became obsolete when the sovereignty of France was extended over Madagascar, and was replaced by "the whole of the conventions concluded between France and the United States."—*Note of July 22, 1896, from the French ambassador to the Secretary of State.*

United States of America, are both desirous, for the good and welfare of their respective countries, to maintain the present friendly relations, and to expand the commerce between the two countries; to prevent as far as possible complications and disputes between their respective subjects and citizens, and to provide more definitely the manner of executing the obligations of the treaty and the adjustments of disputes that may arise in the future, the following articles of revision and addition to the treaty of the fourteenth of February, 1867, have been mutually agreed to and signed by Ravoninahitriniarivo 15th Honor, Officer of the Palace, Chief Secretary of State for Foreign Affairs, on the part of the Government of Madagascar; and W. W. Robinson, United States Consul for Madagascar, on the part of the Government of the United States of America, on the thirteenth day of May (seventeenth of Alakaosy) eighteen hundred and eighty-one.

Article I.

The high contracting parties solemnly declare that there shall continue to be a firm, inviolate peace, and a true and sincere friendship existing between them and their respective heirs and successors forever without war.

Article II.

1. The dominions of each contracting party as well as the right of domicile of their inhabitants are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits nor forcible entries be made to, or espionage of, the houses of either party against the will of the occupants, except as hereinafter provided in Article VI, sects. 4 and 23.

2. The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other.

3. Citizens and protegés of the United States of America will respect the government of Ranavalomanjaka, and that of her heirs and successors, and will not interfere with the institutions of the country, nor meddle with affairs of Her Majesty's Government, unless employed by Her Majesty.

4. The dominions of Her Majesty the Queen of Madagascar shall be understood to mean the whole extent of Madagascar; and United States vessels and citizens shall not aid Her Majesty's subjects in rebellion, nor sell munitions of war to them, nor bring them help in warfare, or teach the art of war to them; and the same shall apply to rebels against the heirs and successors of Her Majesty within the dominions of Madagascar.

5. Citizens and protegés of the United States of America, while in Madagascar, shall enjoy the privilege of free and unmolested exercise of their respective Christian religious opinions and customs; new places of worship, however, shall not be built by them without the permission of the Government of Madagascar.

6. Citizens and protegés of the United States of America while in Madagascar shall enjoy full and complete protection and security for themselves and their property equally with the subjects of Madagascar.

Article III.

1. According to the laws of Madagascar from all time, Malagasy lands cannot be sold to foreigners, and, therefore, citizens and protegés of the United States of America are prohibited from purchasing lands in Madagascar; but still they shall be permitted to lease or rent lands, houses, or storehouses for a term of months or years, mutually agreed upon between the owners and United States citizens, not exceeding twenty-five years for one term; but the lessee, or owner of the lease, at the expiration of a term, may, if he should wish to do so, and can agree with the lessor (proprietor of the land), renew the lease by periods not exceeding twenty-five years for any one term; and the conditions agreed upon by the parties for such renewals are to be inserted in the lease.

However, every renewal must be acknowledged at the time of making it before the proper authorities, as hereinafter provided in sec. 9 of this article for executing leases for lands and houses; and the same fee may be exacted.

2. United States citizens and protegés shall be permitted to build houses and magazines, of any material desired, on land leased by them, according to the agreement made with the owner; and when the lease contains a condition permitting the lessee to remove the buildings and fixtures so constructed by him, the same shall be removed within three months after the final expiration of the lease; otherwise they shall become the property of the owner of the land.

3. This privilege of leasing lands and building thereon by United States citizens and protegés shall not be construed as a right to build fortifications of whatever nature, nor to mine on the lands; and should any minerals be accidentally found on such lands, they are to be left to the disposition of Her Majesty's Government, and no agreement will be valid made between parties to avoid this clause relative to minerals.

4. United States citizens and protegés who wish to lease tracts of unappropriated lands in Madagascar may lease of the Malagasy Government, under the same rules as provided above in this article, secs. 1–3, for leasing lands of Her Majesty's subjects.

5. United States citizens and protegés shall be allowed to hire laborers, not soldiers, and, if slaves, not without the permission of their masters. And if such hired laborers should desire to leave, they shall be at liberty to do so, and be paid up to the time of leaving on giving one month's previous notice.

6. This notice, however, shall not be required from the Government of Madagascar, when Her Majesty the Queen shall have immediate and unexpected need of the services of such laborers; but the officers of the Government in taking such laborers for government service will avoid taking the skilled laborers—those who have become habituated to the special avocations in which they are employed—and the permanently employed servants, when the circumstances will admit. And the Queen calling such laborers for soldiers or other pressing government service, shall be considered as the circumstances under which they may be taken without the notice, and paid up to the time of leaving.

The above restriction is intended to prevent the local authorities from taking such permanent laborers from their employers, but not to interfere with the right of Her Majesty the Queen of Madagascar to call them to government service when needed.

7. Mail carriers, and bearers of dispatches, and bearers of freight, as well as the servants and bearers of travelers employed by United States citizens and protegés, and provided with passports from the Malagasy Government, will not be taken away while en route, but must be permitted to finish their journeys. Nevertheless, such persons if transgressing the law, will not be exempt from arrest even while on the journey.

8. Slaves shall be allowed to engage themselves with United States citizens and proteges for short periods, where their masters are far away, or where it is not known whether they are slaves or not, but if they are demanded by their masters they shall be allowed to leave, and be paid up to the time of leaving, without giving the one month's previous notice.

9. Contracts for renting or leasing lands or houses, or hiring laborers, shall be executed by leases for lands and contracts for labor in writing which shall be executed before the United States consular officer and the governor of the district where such consular officer resides, or instead of said governor such officer as he may delegate for such duty, who, when satisfied that the parties have the right to make the contract, shall approve it in writing signed by them, and sealed with their official government seals.

10. And for such service a fee not exceeding two dollars ($2) may be exacted for each official seal. But when the period contracted for, for labor does not exceed six months, procuring this official approval shall be optional with the parties.

11. And the United States consular officer, as well as the governor of the district where such officer resides, or any other local officer that may be designated by the governor for that purpose, shall approve the same without delay, unless it be in the case of some unavoidable preventing circumstances, or on a day when official business is stayed by the Queen of Madagascar.

12. On lands so leased by American citizens and protegés, the American lessee shall pay to Her Majesty an annual tax of two cents per English square acre upon lands for cultivation, and on town lands an annual tax of one-fourth cent per English square yard.

13. This tax shall not be considered as payment in whole or in part of other taxes which may be levied on such United States citizens and protegés, or the citizens and subjects of other nations residing in Madagascar and Malagasy subjects, not of any part of the export duty upon the productions of such lands, but as a special land tax.

14. This tax shall be paid once each year in the month which shall be fixed by the government for its payment; and the officer who shall be designated to receive such, shall upon reception of each tax give a receipt therefor, over his signature and official seal, mentioning the day, month and year on which it was received, and describing the land upon which the tax is paid, and for what year, as a proof of payment.

15. Such leases may be transferred; in which cases notice must be given to the government authority of Madagascar.

16. Citizens and protegés of the United States of America who come to Madagascar must present a passport from their government, or from some consul, certifying their nationality; otherwise they are liable to be prohibited from residing in Madagascar.

17. But after producing such passport, they shall be permitted to follow any occupation they wish; to print books or newspapers of a moral character, or any books or periodicals on literary, commercial, or scientific subjects, provided they are not of an unlawful character; but shall not be permitted to publish seditious criticisms upon Her Majesty's Government.

18. United States citizens and protegés shall be permitted to pass with or without merchandise, with their bearers, baggage, carriers, and servants, through all parts of Madagascar which are under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, with the exception of Ambohmianga, Ambohmianambola, and Amparafaravato, which places foreigners are not permitted to enter; and, in fact, be entitled to all privileges of commerce or other business, calling or profession granted to the most favored nation, so long as they do not infringe the laws of Madagascar.

19. The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

Article IV.

1. Commerce between the people of the United States of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now, or may hereafter be trading.

2. Citizens of the United States of America shall, however, pay a duty not exceeding ten per cent. on both exports and imports in Madagascar, to be regulated by a tariff to be mutually agreed upon.

3. No other duties, such as tonnage, pilotage, quarantine, or lighthouse dues shall be imposed in ports of either country on the vessels of the other, to which national vessels, or vessels of the most favored nations, shall not equally be liable.

4. Until Her Majesty the Queen shall decide to collect all duties in money, the import duty on American goods may be paid in money or in kind, on each kind of goods, at the option of the owner or consignee, and according to a tariff that shall be agreed upon, not exceeding ten per cent.

5. This tariff of customs dues shall be drawn up by the United States consul and an officer delegated by Her Majesty's Government for the purpose, within three months after the exchange of the ratification of this treaty, and shall be submitted to the two governments for approval; and the same shall be published within one year from the date of the exchange of the ratification of this treaty. And this tariff may be revised in the same way, in whole or upon any article or articles, at any time, upon the application of either government, should it be found rated too high or too low, in whole or upon any one article or articles of merchandise.

6. In case any article of import or export should be inadvertently omitted from such tariff, the duty levied on such article shall be ten per cent. ad valorem until the proper tariff on the same shall be agreed upon.

7. United States citizens and protegés are not allowed to import munitions of war into Madagascar, except on orders from Her Majesty the Queen of Madagascar.

8. In regard to alcoholic liquors, the Malagasy Government may regulate the importation according to its pleasure; or prohibit the importation altogether; or limit the importation as required; may levy as high a duty as it may see fit, or make it a misdemeanor to sell or give such liquors to certain classes of its subjects.

9. And should it be found at any time that any other articles of an injurious nature, tending to the injury of the health or morals of Her Majesty's subjects, are being imported, Her Majesty's Government shall have the right to control, restrict or prohibit the importation in like manner, after giving due notice to the United States Government.

10. Prohibited from export by the laws of Madagascar are timber and cows. Timber, however, may be exported by Her Majesty the Queen of Madagascar, or by her order.

11. Ports of Madagascar, where there is no military station under the control of a governor duly appointed by Her Majesty the Queen of Madagascar, must not be entered by United States vessels for purposes of trade; should they do so, they will be treated as smugglers.

12. And Her Majesty's Government will not be responsible for damnage by robbery of, or other malfeasance to United States citizens or protegés in districts where there are no governors, nor other officers or soldiers duly appointed by Her Majesty's Government, should such United States citizens go into such districts without special permits.

13. Goods which have been duly entered and duties paid thereon at a regular port of entry, may be carried to other ports in United States coasting vessels and landed without further payment, on presentation of invoices of the same, duly certified by the chief collector of customs at the port of entry, showing that the duties have been paid.

14. Vessels entering Malagasy ports which are not ports of entry for the purpose of trade, will be seized; the masters and crews will be treated as smugglers, and the vessel and cargo will be confiscated.

15. It is further agreed between the high contracting parties that the offering of a forged passport or one surreptitiously obtained, for entry of goods at any of Her Majesty's ports, or being in any manner knowingly concerned in such fraudulent passports or invoices, either by making, or buying, or selling the same, or by offering to enter goods by means of the same, shall be considered a felony, and the person or persons found guilty of such an offense, whether American or Malagasy, shall be punished by imprisonment or fine or both according to the aggravation of the offence, as hereinafter provided by Article VI.; and this in addition to the penalty for smuggling when goods have been smuggled, or attempt has been made to smuggle, by means of such fraudulent passports or invoice.

16. United States vessels of war shall be permitted to enter freely into the military ports, rivers, and creeks situated in the dominions

of Her Majesty the Queen of Madagascar, to make repairs and to provide themselves, at a fair and moderate price, such supplies, stores and provisions as they may from time to time need, including timber for necessary repairs, without payment of duty.

17. On account of Her Majesty the Queen of Madagascar's desire to facilitate communication between the United States and Madagascar and thereby to advance commerce between the two countries, the United States Government and United States private steamship companies are hereby granted the privilege to land and deposit coal for the use of the United States Government and private steamers at Tamatave or Mojanga, or both, on land designated by the governor for that purpose, and to take the same away again from time to time for the use of such steamers, without payment of duties or harbor charges of any kind; but a nominal rent of five cents a ton shall be paid per annum as rent for the land on which it may be stored. This privilege shall continue until coal of Madagascar production in sufficient quantity for such steamers can be bought. But should any of the vessels bringing such coal, or any of the steamers taking the same away, bring goods to sell at such port, or take goods from the same, such vessel must pay the same duty and harbor charges as other merchant vessels except on the coal. And should any of such coal be sold in Madagascar, duty must be paid on the quantity so sold.

Article V.

1. The contracting parties may appoint consular officers of any or of all grades to reside in the dominions of the other, and such consular officers shall be granted all the rights and privileges granted to functionaries of like grades of the most favored nation, as witnesses of the good relations existing between the two nations, and to regulate and protect commerce.

2. The President of the United States of America may send a diplomatic officer of any grade to reside in Madagascar who shall enjoy the rights and privileges provided by international law for his grade.

3. The Queen of Madagascar shall have the like privilege of sending a diplomatic officer of any grade to the United States of America, and he shall enjoy there likewise all the rights and privileges of his grade established by international law.

Article VI.

1. Citizens and protegés of the United States of America, who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar, while sojourning in the United States of America, are subject to the laws of trade and commerce in the respective countries.

2. In regard to civil rights, whether of person or property, of citizens and protegés of the United States of America, where disputes or differences shall arise between them, or in cases of criminal offences committed upon them by each other, they shall be under the exclusive civil and criminal jurisdiction of their own consuls, duly invested with the necessary powers.

3. Neither shall the Malagasy authorities interfere in differences or disputes between United States citizens and protegés and the citizens or subjects of any third power in Madagascar.

4. But the Malagasy police may, whenever a United States citizen or protegé shall be discovered in the act of committing a crime against any person, of whatever nationality, or breach of the peace in any manner, whether by making unlawful disturbance in the streets and public places, or in any manner breaking the published laws of Madagascar, arrest such offender without process and take him immediately before the proper United States consular officer, who will take such action in the case as the circumstances, the laws of the two countries, and the stipulations of this treaty require.

5. The Malagasy Government will supply to each United States consular officer residing in Madagascar, within six months after the exchange of the ratification of this treaty, one or more printed copies of all laws, decrees, or customs having the force of law which affect in any way, directly or indirectly, foreigners sojourning in Madagascar, in their rights and privileges, either of person or property, for the information of United States citizens sojourning in Madagascar.

6. And in like manner, whenever any change shall be made in such laws or decrees, or new ones be promulgated, touching the interests of such persons, a like printed copy of the same shall be furnished to each said United States consular officers, at least one month before such change, or new law, or decree shall take effect; and when any such change, or new law, or decree, touches or changes the regulations of the custom-house, or duties to be paid, or the laws in regard to exports and imports, the said copies of such new laws and decrees shall be so furnished at least six months before taking effect against United States citizens.

7. All disputes and differences arising between citizens and protegés of the United States of America and subjects of Madagascar, and all criminal offences committed by such citizens and protegés against said subjects of Madagascar, and all criminal offences committed by the subjects of Madagascar against the citizens and protegés of the United States of America, as well as all infringement of the laws of Madagascar by the United States citizens and protegés, shall be investigated, tried, and adjudged by "mixed courts," as follows:

8. The chief United States diplomatic officer, when there shall be one in Madagascar, or when there is no such officer residing in the kingdom, the chief or senior United States consular officer, and a Malagasy officer, duly appointed by her Majesty the Queen of Madagascar for that purpose, shall constitute a "mixed superior court," which shall be "a court of record," and may hold its sittings at Antananarivo, the capital of Madagascar, or at Tamatave, according as the circumstances of the business of the court may require.

9. This superior court shall have both original and appellate jurisdiction; that is, actions may be commenced and decided in it, and it may also try cases appealed from the inferior courts herein provided for, as follows:

10. There shall be one inferior mixed court in each United States consular and each United States consular agent's district in Madagascar. Such courts shall consist of the United States consular officer of the district and a Malagasy officer appointed by Her Majesty's Government for the purpose, for each district.

11. The inferior courts shall have original jurisdiction of civil cases where the sum claimed does not exceed five hundred dollars ($500) or imprisonment for more than one year, or both, as will be more fully explained in the "Code of Rules" of proceedings for the mixed courts, hereinafter provided for.

12. Appeals from the superior mixed courts may be taken to either of the two governments, at the option of the party appealing, in the manner provided in said "Code of Rules."

13. In the trial of actions in these courts, the native judge shall preside and have the prevailing voice in the decisions when United States citizens or protegés are the plaintiffs, and vice versa when they are defendants, that is, when subjects of the Queen are the plaintiffs the United States (consular or diplomatic) officer, as the case may be, shall preside and have the prevailing voice in the decisions.

14. But the presiding judge shall in every case counsel with and give due weight to the opinions of the associate judge before giving decisions.

15. It is agreed by the high contracting parties that any attempt to influence the decision of these judges, or any one of them, in a case on trial, or to be decided by them, except by arguments in open court, shall be considered a misdemeanor; and that the offering a bribe to any one of them in money or other object of value or favor, for the purpose of influencing his decision, shall be considered a felony, and that the person proved guilty of either of these offences shall be punished by the government to which he belongs, according to the grade of his crime. And if it shall be proved that a judge of these courts, of either nationality, shall have received a bribe to influence his decision in any case, he shall be dismissed from his office of judge, and otherwise punished according to the laws of his own nation for such malfeasance.

16. It is further agreed that within six months after the exchange of the ratification of this treaty, that the chief diplomatic or consular officer of the United States, who shall be at the time residing in Madagascar, and one or more officers to be selected by Her Majesty's Government, shall meet and together draw up a "Code of Rules" of proceedings for these mixed courts, which code, when so drawn and signed by said officers, shall be forwarded by them to their respective governments for approval; and when approved by both governments shall be considered a part of this treaty, duly ratified as such. And this treaty, including said code of rules, together with international law, and the laws of the United States of America and of Madagascar, in so far as the latter can be made to harmonize, shall govern proceedings in these courts.

17. It is agreed that the said "Code of Rules" shall follow, in so far as the laws and present status of things in Madagascar will admit, the rules of proceedings in United States consular courts in Madagascar; that all attestations in the proceedings shall be made under the judicial oath or affirmation of civilized nations; and that the said code of rules shall define how actions shall be commenced and be conducted, the grades of offences and their punishments, under what circumstances arrests may be made, and the amount and manner of bail to be taken, the disposition to be made of fines collected, when,

how, and to whom appeals may be taken, and all other matters necessary for the intelligent working of such courts. And shall also contain forms for writs and other processes, and a tariff of fees.

18. In all cases of arrest permitted by this treaty now, and to be provided for by the "Code of Rules," the prisoners shall be, during their detention, treated with all the humanity consonant with the laws of civilized nations. Her Majesty's Government will see that they are supplied with wholesome food and drink in sufficient quantity, and detained in healthy quarters, and that they are brought to trial in the shortest time possible consonant with the convenience of the prisoner.

19. In cases of arrest of American citizens or protegés in the absence of a United States consular officer, or where no such officer resides, the authority causing the arrest shall immediately inform the nearest United States consular officer of the fact and of the circumstance of the case, and also cause the prisoner to be taken as soon as possible before the mixed court of which that nearest consular officer is a judge.

20. It shall be the duty of the court to encourage the settlement of controversies of a civil character by mutual agreement, or to submit the same to the decision of referees agreed upon by the parties. And in criminal cases, which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the court, to adjust the same among themselves upon pecuniary or other considerations.

21. Her Majesty's Government will render all assistance in its power to United States citizens and protegés toward collecting their legal claims against Her Majesty's subjects; and United States consular officers will likewise render every assistance in collecting legal claims against United States citizens and protegés.

22. Whenever it is known, or there is reason to believe, that transgressors against the laws, fugitives from justice, are on the premises of United States citizens or protegés, such premises may be entered by the Malagasy police with the consent of the occupants, or against their consent in company with a United States Consular officer, or with his written order. In case of absence of such United States officers, or in places where no such officers reside, the police may make such entry by the order of the local authority, to look for the offender or stolen property; and the offender, if found, may be arrested, and all stolen property seized.

23. Murder and insurrection or rebellion against the Government of Madagascar with intent to subvert the same, shall be capital offence, and not bailable; and when a United States citizen shall be convicted by this court of either of those crimes he shall be banished the country and sent to the United States of America for a review of his trial and approval of his sentence and punishment. If a Malagasy subject be convicted by the court of the murder of a United States citizen or protegé he shall suffer such punishment as the Malagasy law awards for such crime when Her Majesty, the Queen of Madagascar, shall have approved the judgment of the court.

24. When a United States citizen shall have been convicted of several minor offences, showing him to be a turbulent and intractable person, he shall, upon the request of the Government of her Majesty the Queen, be banished the country.

Article VII.

1. No United States vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar and producing a "bill of health" from the port sailed from, signed by the Malagasy consul if there be one at that port; if none, then by the person duly authorized to give such bills of health.

2. Malagasy subjects shall not be permitted to embark on United States vessels without a passport from Her Majesty's Government.

3. In cases of mutiny on United States merchant vessels, or in cases of desertion from United States national or private vessels, the local authorities shall, on application, render all necessary assistance as far as is possible to the United States consular officer to bring back the deserter or to restore discipline on board merchant vessels.

4. When a United States consular officer shall ask the local authorities to arrest a deserter from a vessel, the police shall be directed to do their utmost to arrest promptly such deserter in the district. And if the consular officer suggest any other places where the deserter may have secreted himself, the authorities shall give a written notice to the governor of such district pointed out, who shall in his turn do his utmost to find and arrest the deserter. And the result of such efforts, whether successful or otherwise, shall be promptly reported to the governor, who shall report to the consular officer.

5. For the services required by this article for arresting deserters, if such deserter be arrested, a fee of three dollars ($3) may be exacted for each deserter arrested, and five cents per English mile for the distance actually travelled by the police, and also such necessary expenses as may be incurred for food, ferrying, and imprisonment of the deserter.

6. And if discovered that such police did not do their utmost they shall be punished by the governor; and if such police have done their utmost but without success, they will be none the less entitled to the expenses above stated, but not to the fee of three dollars ($3).

Article VIII.

1. In case of a shipwreck of a United States vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station, the governor will do his utmost to urge the people to save life and to secure property and to restore it to the owners or to the United States consul, and if there be no consul nor owner in such district, an inventory of the goods rescued shall be made and the goods shall be delivered to the nearest United States consular officer, who shall give the governor a receipt for the same.

2. The governor of the district shall take the names of the people engaged in saving such vessel, and designate those who rescue lives and those who save goods.

3. And if such vessel be an abandoned one, then one-fourth of vessel and goods may be claimed for salvage.

4. And if a vessel be in distress, and the captain or crew demand help, such help shall be rewarded at the rate of twenty-five cents a day for soldiers and laborers, and one dollar a day for officers who superintend such help.

5. And if any vessel be wrecked or in distress, and the captain or crew do not demand assistance, being in a situation to do so, and consequently the Malagasy do not save anything, the governor and people will not be responsible.

6. However, in case the captain or crew demand assistance, or are in a situation where making such a demand is impossible, and it is known that the governor did not do his utmost to move the people to save such vessel and cargo, he shall be punished according to the laws of Madagascar.

7. The same protection shall be granted to Malagasy vessels attacked or plundered in the waters of the United States of America.

Article IX.

1. American goods may be landed in bond to be reshipped to other ports without payment of duties, under the following rules:

2. When it may be desired to so land goods to be reshipped to other ports, the owner of the goods, or the consignee, or master of the vessel, as the case may be, shall present to the local governor, or to the collector of customs, as the governor may direct, a correct invoice or manifest of the goods so landed, showing values by detail when there are goods of different kinds, or of different values, and quantities of each and the total value.

3. The Malagasy customs officers shall verify by inspection the goods when landed with the invoice or manifest; then the owner, consignee, or master of the vessel, as the case may be, shall execute a bond payable to the governor or collector of customs, as may be directed by the local authority, conditioned to pay the established duties on such goods, or on such part of them as shall not have been reshipped within the period agreed upon, which period shall be mentioned in the bond as the date of its maturity. Then such goods may be stored on the premises of their owner or consignee, or in magazines rented by him for that purpose.

4. When he reships the goods, he will notify the party to whom this bond has been given to be present and again verify the goods with the invoice or manifest, when, if none are lacking, he will be entitled to the return of his bond, or if the goods or any part of them are lacking, he must pay the duty established by Article IV. on such as are not found and reshipped, which will equally entitle him to receive back his bond.

Article X.

Her Majesty's Government desires the development of the dormant resources of the kingdom, and the advancement of all the useful mechanical and agricultural industries therein, and thereby to promote the best interests of commerce and Christian civilization by adoption and application of such modern improvements and appliances as shall be suitable for such purposes and best adapted to the condition of Madagascar, and for the best interests of Her Majesty's people; and toward the accomplishment of these objects, should any United States citizens or protegés of good character, and possessing the requisite qualifications for the special business proposed, desire to engage in such industries in Madagascar by investment of capital or labor, or in teaching the people how to apply the modern improvements in the prosecution of the industries, their applications to the

government will be favorably received, and their propositions liberally entertained; and if they and the government can agree upon terms, they will be permitted to engage in such avocations by contracts, grants, commissions or salaries.

ARTICLE XI.

1. It is agreed between the high contracting parties that the levy of taxes on United States citizens, as hereinbefore provided for conditionally in Article III., section 13, shall never be at a higher rate than shall be levied upon Her Majesty's subjects for the same purposes and upon like values, except the special land tax hereinbefore provided for in Article III., section 12.

2. United States citizens and protegés shall not be deprived of any privileges relinquished by this treaty unless the same restrictions be placed upon the citizens and subjects of all other foreign nations residing in Madagascar, but shall enjoy all the privileges that may be granted to the most favored nations.

3. And Her Majesty's subjects while sojourning in the United States of America shall enjoy all the privileges conceded by the United States Government to the citizens or subjects of the most favored nation.

ARTICLE XII.

1. The above articles of treaty made in good faith shall be submitted to both the Government of the United States of America and Her Majesty, the Queen of Madagascar, for ratification; and such ratification be exchanged within one year from date of ratification at Antananarivo.

2. Should it at any future time seem desirable in the interests of either of the contracting parties to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

3. Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo, Madagascar, on this thirteenth day of May (seventeenth of Alakaosy), one thousand eight hundred and eighty-one.

[SEAL.] W. W. ROBINSON,
United States Consul for Madagascar.

[SEAL.] RAVONINAHITRINIARIVO,
15th Honor Officer of the Palace,
Chief Secretary of State for Foreign Affairs.

In the name of Her Majesty Ranavalomanjaka, Queen of Madagascar, and by Her Royal Command and authority, We, Her Majesty's duly empowered Ambassadors Plenipotentiary hereby ratify and confirm the within treaty and every part thereof. March twelfth, 1883.

[SEAL.] RAVONINAHITRINIARIVO,
15 Vtra O. D. P. Chief Secretary of State for Foreign Affairs,
Chief Ambassador of H. M. the Queen of Madagascar.

RAMANIRKA,
14 Vtra O. D. P. Member of the Privy Council, Ambassador of
H. M. the Queen of Madagascar.

MASKAT.

(SEE MUSCAT.)

MECKLENBURG-SCHWERIN.

(SEE NORTH GERMAN UNION.)

1847.

Treaty of Commerce and Navigation.

Concluded December 9, 1847; ratification advised by the Senate May 18, 1848; ratified by the President May 20, 1848; proclaimed August 2, 1848.

Articles.

I. Freedom of commerce.
II. Coasting trade.
III. No preference to vessels importing.
IV. Shipwrecks.
V. Extent of shipping privileges.
VI. Duties on imports and exports.
VII. Most favored nation commercial privileges.
VIII. Duties on cotton, rice, tobacco, and whale-oil.
IX. Consular officers and functions.
X. Trade and property rights.
XI. Duration; increase of duties.

DECLARATION.

Whereas a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the tenth day of June, one thousand eight hundred and forty-six, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas, by the terms of the twelfth article of the same, the United States agree to extend all the advantages and privileges contained in the stipulations of the said treaty to one or more of the other States of the Germanic Confederation which may wish to accede to them by means of an official exchange of declarations, provided that such State or States shall confer similar favors upon the United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;

And whereas the Government of His Royal Highness the Grand Duke of Mecklenburg-Schwerin has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, as far as the same are or may be applicable to the two coun-

tries, and to become a party thereto, and has expressed its readiness to confer similar favours upon the United States as an equivalent in all respects to those conferred by the Kingdom of Hanover;

And whereas the Government of the Grand Duchy of Mecklenburg-Schwerin, in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent of the favours differing essentially from those of Hanover, which it consents to bestow upon the United States, as well as for its own faithful observance of all the provisions of the said treaty, wishes the stipulations, conditions, and obligations imposed upon it, as also those which rest upon the United States, as explicitly stated, word for word, in the English and German languages, as contained in the following articles:

Article I.

The high contracting parties agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Grand Duchy of Mecklenburg-Schwerin, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel of the United States or in a vessel of Mecklenburg-Schwerin.

And, in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the Grand Duchy of Mecklenburg-Schwerin, in its own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or re-exported by one party in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

Article II.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

Article III.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the national character of the vessel, whether it be of the one party or of the other in which such article was imported.

Article IV.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite destined to receive goods, the duties on which have not been paid the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouse.

Article V.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be fortified for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their subjects or citizens.

It is further stipulated that vessels of the Grand Duchy of Mecklenburg-Schwerin may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Grand Duchy of Mecklenburg-Schwerin.

Article VI.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, and no higher or other duties shall be imposed on the importation into the Grand Duchy of Mecklenburg-Schwerin of any articles the growth, produce, and manufacture of the United States and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Grand Duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin or of its fisheries, or of the United States or their fisheries, from or to the ports of said Grand Duchy, or of the said United States, which shall not equally extend to all other Powers and States.

ARTICLE VII.

The high contracting parties engage mutually not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation as near as possible, if the concession was conditional.

ARTICLE VIII.

In order to augment by all the means at its bestowal the commercial relations between the United States and Germany, the Grand Duchy of Mecklenburg-Schwerin agrees, subject to the reservation in article eleventh, to abolish the import duty on raw cotton and paddy, or rice in the husk, the produce of the United States; to levy no higher import duty upon leaves, stems, or strips of tobacco, imported in hogsheads or casks, than one thaler and two schillings for one hundred pounds, Hamburg weight, (equal to seventy cents United States currency and weight;) to lay no higher import duty upon rice imported in tierces or half tierces than twenty-five schillings for one hundred pounds, Hamburg weight, (equal to thirty-seven and a half cents United States currency and weight;) to lay no higher duty upon whale-oil, imported in casks or barrels, than twelve and a half schillings per hundred pounds, Hamburg weight, (equal to eighteen and three-quarters cents United States currency and weight.)

The Grand Duchy of Mecklenburg-Schwerin further agrees to levy no higher transit duty on the aforementioned articles in their movement on the Berlin-Hamburg railroad than two schillings per hundred pounds. Hamburg weight, (equal to three cents United States currency and weight,) and to levy no transit duty on the above-mentioned articles when conveyed through the ports of the country.

It is understood, however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty-free or those on transit one schilling per hundred pounds, Hamburg weight, (equal to one cent and a half United States currency and weight.)

ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the

vessel belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Article X.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purpose of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ, in defence of their rights, such advocates, attorneys, and other agents as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases. In the case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of a property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situated.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

Article XI.

The present treaty shall continue in force until the tenth of June, one thousand eight hundred and fifty-eight, and further until the end of twelve months after the Government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that if the Grand Duchy of Mecklenburg-Schwerin shall deem it expedient, or find it compulsory, during the said term, to levy a duty on paddy, or rice in the husk, or augment the duties upon leaves, strips, or stems of tobacco, on whale-oil and rice, mentioned in Article VIII (eight) of the present treaty, the Government of Mecklenburg-Schwerin shall give notice of one year to the Government of the United States before proceeding to do so; and, at the expiration of that year, or any time subsequently, the Government of the United States shall have full power and right to abrogate the present treaty, by giving a previous notice of six months to the Government of Mecklenburg-Schwerin, or to continue it (at its option) in full force, until the operation thereof shall have been arrested in the manner first specified in the present article.

Now, therefore, the undersigned, L. de Lutzow, President of the Privy Council and First Minister of His Royal Highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, Special Agent, on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and

have exchanged this declaration. The effect of this agreement is hereby declared to be to establish the aforesaid treaty between the high parties to this declaration as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals.

Done at Schwerin this 9th (ninth) day of December, 1847.

[SEAL.] A. DUDLEY MANN.
[SEAL.] L. OF LUTZOW.

1853.

DECLARATION OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Dated November 26, 1853; proclaimed January 6, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Mecklenburg-Schwerin hereby declares, through the undersigned Grand Ducal Minister of Foreign Affairs, its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

[The original declaration here includes a copy, in German and English, of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Mecklenburg-Schwerin.

In testimony whereof the Grand Ducal Minister of Foreign Affairs, in the name of His Royal Highness the Grand Duke of Mecklenburg-Schwerin, has executed this declaration of accession, and caused the Ministerial seal to be thereunto affixed.

Done at Schwerin, November 26th, 1853.

[SEAL.] GR. V. BULOW,
Grand Ducal Minister of Foreign Affairs of Mecklenburg-Schwerin.

MECKLENBURG-STRELITZ.

1853.

DECLARATION OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Dated December 2, 1853; proclaimed January 26, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Mecklenburg-Strelitz, hereby declares its accession to the aforesaid treaty of June 6th, 1852, which is, word for word, as follows:

[The original declaration here includes a copy, in German, of the treaty of June 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Mecklenburg-Strelitz.

In testimony whereof the undersigned Grand Ducal Minister of State, in the name of His Royal Highness the Grand Duke of Mecklenburg-Strelitz, has executed this declaration of accession, and caused the seal of the Grand Ducal Ministry of State to be thereunto affixed.

Done at Neustrelitz, the 2d day of December, 1853.

[SEAL.]

P. V. KANDORFF,
Grand Ducal Minister of State.
DRISCHOW.

MEXICO.

1828.[a]

Treaty of Limits.

Concluded January 12, 1828; ratification advised by the Senate April 4, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832.

Articles.

I. Boundary.
II. Boundary line.
III. Commissioners.
IV. Ratification.

The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty, concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the Government of the United States of America on the one part, and of that of Spain on the other; and whereas the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States:

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary, and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva;

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

Article I.

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two

[a] The commission referred to in this treaty was never appointed. The accession of Texas and the war between the United States and Mexico rendered the treaty inoperative.

high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows:

ARTICLE II.

The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea: the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence, along the said parallel, to the South Sea, all the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and, for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE III.

To fix this line with more precision and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude forty-two to the South Sea. They shall make out plans and keep journals of their proceedings; and the result agreed upon

by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE IV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

In witness whereof we, the respective Plenipotentiaries, have signed the same and have hereunto affixed our respective seals.

Done at Mexico this twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

[SEAL.] J. R. POINSETT.
[SEAL.] S. CAMACHO.
[SEAL.] J. Y. ESTEVA.

1831.[a]

TREATY OF LIMITS.

Concluded April 5, 1831; ratification advised by the Senate April 4, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832.

The time having elapsed which was stipulated for the exchange of ratifications of the treaty of limits between the United States of America and the United Mexican States, signed in Mexico on the twelfth day of January, one thousand eight hundred and twenty-eight, and both Republics being desirous that it should be carried into full and complete effect, with all due solemnity, the President of the United States of America has fully empowered, on his part, Anthony Butler, a citizen thereof, and Chargé d'Affaires of the said States in Mexico; and the Vice-President of the United Mexican States, acting as President thereof, has, in like manner, fully empowered, on his part, their Excellencies Lucas Alaman, Secretary of State and Foreign Relations, and Rafael Mangino, Secretary of the Treasury;

Who, after having exchanged their mutual powers, found to be ample and in form, have agreed, and do hereby agree, on the following article:

The ratifications of the treaty of limits concluded on the twelfth of January, one thousand eight hundred and twenty-eight, shall be exchanged at the city of Washington within the term of one year, counting from the date of this agreement, and sooner should it be possible.

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[a] This extension treaty expired with the treaty of 1828.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid treaty of the twelfth of January, one thousand eight hundred and twenty-eight, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico, the fifth of April of the year one thousand eight hundred and thirty-one, the fifty-fifth of the independence of the United States of America, and the eleventh of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

1831.[a]

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

Concluded April 5, 1831; ratification advised by the Senate March 23, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832.

ARTICLES.

I. Amity.
II. Most favored nation.
III. Entry into ports.
IV. Duties on imports.
V. Tonnage duties.
VI. Drawbacks.
VII. Reciprocal privileges of citizens.
VIII. Embargo.
IX. Military service.
X. Asylum for vessels.
XI. Pirates.
XII. Shipwrecks.
XIII. Succession to personal estate.
XIV. Protection to persons and property.
XV. Religious liberty.
XVI. Free ships; free goods.
XVII. Neutral flag over enemy's property.
XVIII. Contraband.
XIX. Blockade.
XX. Contraband liable to confiscation.
XXI. Notice of blockade.
XXII. Examination of vessels at sea
XXIII. Sea letters.
XXIV. Vessels under convoy.
XXV. Prize courts.
XXVI. War.
XXVII. Ministers.
XXVIII. Consuls.
XXIX. Consuls.
XXX. Deserters.
XXXI. Consular convention.
XXXII. Interior commerce.
XXXIII. Indian hostilities.
XXXIV. Duration; ratification.

The United States of America and the United Mexican States, desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a treaty of amity, commerce, and navigation. For which important object the Presi-

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"[a] The operation of this treaty was suspended by war between the parties in 1846–47, but was revived with some exceptions by article 17 of the treaty of February 2, 1848. Article XXXIII was abrogated by the second article of the treaty of December 30, 1853, and the entire treaty was finally terminated November 30, 1881, by virtue of notice given by Mexico."—*J. C. Bancroft Davis' Notes to Treaties and Conventions, 1889, p. 1234.*

Atocha *v.* U. S. (8 Ct. Cls., 427).

dent of the United States of America has appointed Anthony Butler, a citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States, with full powers; and the Vice-President of the United Mexican States, in the exercise of the executive power, having conferred like full powers on His Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and His Excellency Rafael Mangino, Secretary of the Treasury;

And the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles:

Article I.

There shall be a firm, inviolable, and universal peace and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Article II.

The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

Article III.

The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein in all sorts of produce, manufactures, and merchandise; and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

And they shall not pay higher or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy; but subject always to the laws, usages, and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations of which this article treats shall not be understood to authorize the coasting trade, which is permitted to national vessels only.

Article IV.

No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth, or

manufacture of the United States of America, than those which the same or like articles, the produce, growth, or manufacture of any other foreign country do now or may hereafter pay; nor shall articles, the produce, growth, or manufacture of the United Mexican States, be subject, on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican States, respectively, in either of them, which shall not in like manner be established with respect to other foreign countries.

ARTICLE V.

No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of Mexico on vessels of the United States of America than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America on Mexican vessels than shall be payable in the same ports on vessels of the United States of America.

ARTICLE VI.

The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid and the same bounties and drawbacks allowed on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America, and the same duties shall be paid and the same bounties and drawbacks allowed on the exportation of any articles, the growth, produce, or manufacture of Mexico to the United States of America, whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

ARTICLE VII.

All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher

salaries or remuneration than such as are in like cases paid by Mexicans; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares, or merchandise imported into, or exported from, the United Mexican States, as they may think proper; observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo; nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without corresponding compensation.

ARTICLE IX.

The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

ARTICLE X.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE XI.

All vessels, merchandise, or effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried into or found in the rivers, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunal; it being well understood that the claim shall be made within the term of one year, counting from the capture of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective Governments.

ARTICLE XII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which

is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, with the precautions which may be deemed expedient on the part of the respective Governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, until they be exported.

ARTICLE XIII.

In whatever relates to the succession of [personal] estates, either by will or ab intestato [and the rights of] disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts than those which are now or may hereafter be paid by the citizens of the Power in whose territories they may reside.

ARTICLE XIV.

Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

ARTICLE XV.

The citizens of the United States of America residing in the United Mexican States shall enjoy in their houses, persons, and properties the protection of the Government, with the most perfect security and liberty of conscience; they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the Constitution, the laws, and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

Article XVI.

It shall be lawful for the citizens of the United States of America and of the United Mexican States, respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise laden thereon, from any port to the places of those who now are or may hereafter be at enmity with the United States of America, or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively to sail with their vessels and merchandise, before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Government or under several; and it is hereby stipulated that free ships shall also give freedom to goods; and that everything shall be deemed free and exempt which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Article XVII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall be always understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises embarked in such enemy's vessel shall be free.

Article XVIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or pro-

hibited goods shall be comprehended; first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly, and generally, all kinds of arms, and instruments or iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XXI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so situated may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her

cargo; nor if found therein after the surrender shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

Article XXII.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatsoever.

Article XXIII.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same, which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form; without which requisites the said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

Article XXIV.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

Article XXV.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings of the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Article XXVI.

For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed, now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and territories of each other respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe-conduct to protect them to the port they may designate. Those citizens who may be established in the States and territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws; and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained.

Article XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to the Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the United Mexican States may find proper to give to the Ministers and public agents of any other Power, shall by the same act be extended to those of each of the contracting parties.

Article XXVIII.[a]

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

Article XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kinds of taxes, imposts, and contributions levied especially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXX.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belong, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

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[a] This article was abrogated by the second article of the treaty of December 30, 1853

ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXII.

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall, by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, the commercial intercourse between the State of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

ARTICLE XXXIII.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries: so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons, captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be.

Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

Article XXXIV.

The United States of America and the United Mexican States, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this treaty or general convention of amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

First. The present treaty shall remain and be in force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of amity, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice-President of the United Mexican States, with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof, or sooner if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents. Done in the city of Mexico on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-one,

in the fifty-fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

ADDITIONAL ARTICLE.

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed, that, until the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties than are or may hereafter be payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are, or may hereafter be, payable in the said ports by the vessels and the like articles the growth, produce, or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as if it had been inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification [shall be] exchanged at the same time.

In witness whereof we, the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico on the fifth day of April, one thousand eight hundred and thirty-one.

[SEAL.] A. BUTLER.
[SEAL.] LUCAS ALAMAN.
[SEAL.] RAFAEL MANGINO.

1831.

PROTOCOL CONCERNING THE TREATY OF AMITY, COMMERCE AND NAVIGATION OF 1831.

Concluded September 7, 1831.

Protocol of a conference had on the 7th of September, 1831, between Anthony Butler, Plenipotentiary on the part of the United States of America, and their Excellency's Lucas Alaman and Raphael Mangino, Plenipotentiaries for the United Mexican States.

The undersigned Plenipotentiaries having assembled in the Office of the Secretary of State for foreign affairs proceeded to consider the articles 7th and 13th of the Treaty of Amity, commerce and navigation concluded by the undersigned Plenipotentiaries, and also that part of the 3d article of the said Treaty contained in the following words: "to trade therein in all sorts of produce, manufactures and merchandise;" These articles 7.th and 13.th and that part of the 3.d abovementioned having been suspended by the Chamber of Deputies of the Congress of the United Mexican States, untill the undersigned shall have determined upon the construction which the said articles shall receive in regard to the rights of Commerce that may be enjoyed by the citizens of each of the high contracting parties. After free and mature deliberation, the undersigned have agreed that the construction to be given to the above mentiond articles, shall in no matter restrain the power possessed by each nation respectively of regulating sales by retail of goods, wares and merchandize within their respective States and Territories. And to remove all doubts as to the object designed to be effected by the said Treaty in regard to the several branches which it embraces. The Plenipotentiaries agree that the above-mentioned articles so far as they relate to the Commercial intercourse conductd. by the citizens of their respective Countries, it shall be reciprocal and equal reserving however to the United States of America, and to the United Mexican States, full power and entire liberty to regulate commerce of retail, by means of their respective Legislatures in conformity with what each party may consider as the interest of their own citizens, without being restrained by any stipulation contained in the above mentioned Treaty of Amity, Commerce, and Navigation, provided that the Measures adopted by the Legislature of either party, shall be general in their operations and extend equally to the subjects and Citizens of all other nations who maintain commercial relations with the high contracting parties in conformity with the principle of "*the most favored Nation*" establishd. on a reciprocal basis in the Treaty of Amity, Commerce and Navigation concluded by the undersigned Plenipotentiaries and signed on the 5th April of the present year, and of which Treaty the abovementiond. articles 3d., 7th and 13 form a part.

In testimony of which the undersignd. have subscribed the present protocol in Mexico on the 7th, Sept.er in the year 1831.

A. Butler
Lucas Alaman
Raphael Mangino

1831.

Protocol Concerning the Treaty of Amity, Commerce and Navigation of 1831.

Concluded December 17, 1831.

Protocol of a conference held by their Excellencies the Secretaries of State for Home and Foreign Affairs, and of the Treasury, and Anthony Butler, Chargé d'Affaires of the United States of America, Plenipotentiaries respectively of these States and of those, for the celebration of Treaties of Amity, Commerce Navigation and boundary between both Republics, the 17th day of Decbr, 1831.

On the 17th of Decbr, 1831, their Excellencies, Lucas Alaman, Secretary of State for Home and Foreign Affairs and Raphael Mangino, Secretary of the Treasury, Plenipotentiaries appointed by the Vice President, in exercise of the executive power of these States, for the celebration of Treaties of Amity, Commerce and Navigation, and for the adjustment of a boundary with the United States of America, and Anthony Butler, Chargé d'Affaires of the said States, and Plenipotentiary appointed, for the same object, by the President of the said States, having met in the Office of the Secretary for Home and Foreign Affairs, the two former set forth, that the Treaty of Amity, Commerce and navigation, celebrated in this Capital by the undersigned Plenipotentiaries on the fifth of April of the present year, being approved by both Chambers of the General Congress of these States, with the exception of the 34th article, on the approval of which difficulties have occured, that have caused the deliberation respecting it to be suspended and of the second additional article, which has been disapproved, having been considered unnecessary; and the additional article of the Treaty of Boundary, celebrated the 5th of April last, being also approved, the extraordinary Sessions of Congress have been closed, without a communication to the Executive of the Decree of approbation withheld solely by the difficulties which have occurred only with respect to the said 34th article; and the Plenipotentiaries, having conferred at large upon the particular, desirous on the one part and on the other, that no hindrance should be put to the conclusion of treaties, which, drawing closer the friendly relations that happily unite the two Republics, are equally beneficial to both, they agreed that, to remove every obstical which might embarrass the attainment of this desired end, the before mentioned 34th article ought to be separated from the Treaty of Amity, Commerce and Navigation, it not having any necessary Connection with the other Stipulations of the said Treaty, and, in the place of it, ought to be substituted the 35th article, which would then become, by numerical order, the 34th and the last; and that, besides, in the copy which should be made for the exchange of ratifications and the publication of the Treaty, the second additional article which has been disapproved by the Congress of these States, should be suppressed.

And it having been thus agreed and settled, for the due and suitable proof of the same, it was equally settled that this Protocol should be written in duplicate, and be signed by the plenipotentiaries; which they did accordingly in the day, month and year already mentioned.

A. Butler
Lucas Alaman
Raphael Mangino

1835.[a]

Second Additional Article to Treaty of Limits of January 12, 1828.

Concluded April 3, 1835; ratifications exchanged at Washington April 20, 1836; proclaimed April 21, 1836.

A treaty having been concluded and signed in the city of Mexico, on the 12th day of January, 1828, between the United States of

[a] The commission referred to was not appointed and the treaty itself expired with the treaty of 1828.

America and the Mexican United States, for the purpose of establishing the true dividing line and boundary between the two nations, the 3d article of which treaty is as follows: "To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark said line from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of said river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude 42 to the South Sea. They shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts should such be deemed necessary:" And the ratifications of said treaty having been exchanged in the city of Washington, on the 5th day of April, in the year of 1832, but from various causes the contracting parties have been unable to perform the stipulations contained in the above mentioned 3d article, and the period within which the said stipulations could have been executed has elapsed; and both Republics being desirous that the said treaty should be carried into effect with all due solemnity, the President of the United States of America has for that purpose fully empowered on his part Anthony Butler, a citizen thereof and Chargé d'Affaires of said States in Mexico, and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellencies José Maria Gutierrez de Estrada, Secretary of State for Home and Foreign Affairs, and José Mariano Blasco, Secretary of the Treasury; and the said Plenipotentiaries, after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said treaty:

Within the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States, each a commissioner and surveyor, for the purpose of fixing with more precision the dividing-line, and for establishing the landmarks of boundary and limits between the two nations, with the exactness stipulated by the 3d article of the Treaty of Limits, concluded and signed in Mexico on the 12th day of January, 1828, and the ratifications of which were exchanged in Washington city on the 5th day of April, 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the above-mentioned treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in the city of Mexico on the third day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the

fifty-ninth year of the independence of the United States of America, and of the fifteenth of that of the United Mexican States.

[SEAL.] A. BUTLER.
[SEAL.] J. M. GUTIERREZ DE ESTRADA.
[SEAL.] JOSÉ MARIANO BLASCO.

1839.[a]

CLAIMS CONVENTION.[a]

Concluded April 11, 1839; ratification advised by the Senate March 17, 1840; ratified by the President April 6, 1840; ratifications exchanged April 7, 1840; proclaimed April 8, 1840.

ARTICLES.

I. Claims.
II. Secretaries.
III. Meeting.
IV. Documents.
V. Decision on justice of claims.
VI. Payment.
VII. Disagreement of commission.
VIII. Umpire.
IX. Umpire.
X. Decision of umpire.
XI. Payment.
XII. Finality of decision.
XIII. Expenses.
XIV. Ratification.

Whereas a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic was concluded and signed at Washington on the 10th day of September, 1838, which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of His Majesty the King of Prussia to provide an arbitrator to act in the case provided by said convention could not be obtained;

And whereas the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims, arising from injuries to the persons and property of citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States, by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention:

The President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States; and the President of the Mexican Republic has named His Excellency Señor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose;

And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that all claims of citizens of the United States upon the Mexican Government, statements of which, soliciting the inter-

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[a] Gill *v.* Oliver's Executors (11 How., 529).

position of the Government of the United States, have been presented to the Department of State or to the diplomatic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two commissioners by the President of the Mexican Republic. The said commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively.

ARTICLE II.

The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said Secretaries shall be sworn faithfully to discharge their duty in that capacity.

ARTICLE III.

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

ARTICLE IV.

All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of the said commissioners.

ARTICLE V.

The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.

ARTICLE VI.

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at

liberty, immediately after the decisions in the several cases shall have taken place, to issue Treasury notes, receivable at the maritime custom-houses of the Republic in payment of any duties which may be due or imposed at said custom-houses upon goods entered for importation or exportation; said Treasury notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said Treasury notes shall have been issued until that of their receipt at the Mexican custom-houses. But as the presentation and receipt of said Treasury notes at said custom-houses in large amounts might be inconvenient to the Mexican Government, it is further agreed that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one-half the amount of said duties.

ARTICLE VII.

It is further agreed that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of His Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected His Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city and from thence on his return to his place of residence in Prussia, shall be defrayed, one-half by the United States and one-half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one-half the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one-half the compensation that may be allowed by the Mexican Government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one-half by the United States and one-half by the Mexican Government.

ARTICLE VIII.

Immediately after the signature of this convention, the Plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of His Majesty the King of Prussia, to be delivered by the Minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner above mentioned, in case this convention shall be ratified respectively by the Governments of the United States and Mexico.

ARTICLE IX.

It is agreed that, in the event of His Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite Her

Britannic Majesty, and in case of her declining, His Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ARTICLE X.

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

ARTICLE XI.

For any sums of money which the umpire shall find due to citizens of the United States by the Mexican Government, Treasury notes shall be issued in the manner aforementioned.

ARTICLE XII.

And the United States agree forever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner before mentioned.

ARTICLE XIII.

And it is agreed that each Government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic.

ARTICLE XIV.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in the sixty-third year of the Independence of the United States of America, and the nineteenth of that of the Mexican Republic.

[SEAL.] JOHN FORSYTH.
[SEAL.] FRAN. PIZARRO MARTINEZ.

The commission provided for in the foregoing treaty was duly appointed. The commission held its first session in Washington August 25, 1840, and terminated its duties February 25, 1842, and by the treaty of 1843 the payment of the awards rendered by the commission under the treaty of 1835 was provided for.

1843.

Claims Convention.

Concluded January 30, 1843; ratification advised by the Senate March 2, 1843; ratified by the President; ratifications exchanged March 29, 1843; proclaimed March 30, 1843.

Articles.

I. Interest.
II. Time of payment.
III. Place of payment.
IV. Pledge of direct taxes.
V. Interest to cover charges.
VI. New convention.
VII. Ratification.

Whereas, by the convention between the United States and the Mexican Republic, of the 11th April, 1839, it is stipulated that, if it should not be convenient to the Mexican Government to pay at once the sums found to be due to the claimants under that convention, that Government shall be at liberty to issue Treasury notes in satisfaction of those sums; and whereas the Government of Mexico [is] anxious to comply with the terms of said convention, and to pay those awards in full, but finds it inconvenient either to pay them in money or to issue the said Treasury notes: The President of the United States has, for the purpose of carrying into full effect the intentions of the said parties, conferred full powers on Waddy Thompson, Envoy Extraordinary and Minister of the United States to the Mexican Government, and the President of the Mexican Republic has conferred full powers on their Excellencies José Maria de Bocanegra, Minister of Foreign Relations, and Manuel Eduardo de Gorostiza, Minister of Finance. And the said Plenipotentiaries, after having exchanged their full powers, found to be in due form, have agreed to and concluded the following articles:

Article I.

On the 30th day of April, 1843, the Mexican Government shall pay all the interest which may then be due on the awards in favor of claimants under the convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico.

Article II.

The principal of the said awards, and the interest accruing thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

Article III.

The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, in gold or silver money. But no circulation, export, nor other duties

shall be charged thereon; and the Mexican Government takes the risk, charges, and expenses of the transportation of the money to the city of Vera Cruz.

ARTICLE IV.

The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid, but it is understood that whilst no other fund is thus specifically hypothecated, the Government of the United States, by accepting this pledge, does not incur any obligation to look for payment of those instalments and interest to that fund alone.

ARTICLE V.

As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c., the Government of Mexico hereby agrees to add two and a half per centum on each of the aforesaid payments on account of said charges.

ARTICLE VI.

A new convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.

ARTICLE VII.

The ratifications of this convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress; and if not, then within one month after the meeting of the next Congress of the United States.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done at the city of Mexico on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty-three, and in the sixty-seventh year of the Independence of the United States of America, and in the twenty-third year of that of the Mexican Republic.

[SEAL.] WADDY THOMPSON.
[SEAL.] J. MA. DE BOCANEGRA.
[SEAL.] M. E. DE GOROSTIZA.

1848.

Treaty of Peace, Friendship, Limits, and Settlement.[a]

(TREATY OF GUADALUPE HIDALGO.)

Concluded February 2, 1848; ratification advised by the Senate, with amendments, March 10, 1848; ratified by the President March 16, 1848; ratifications exchanged May 30, 1848; proclaimed July 4, 1848.

Articles.

I. Declaration of peace.
II. Suspension of hostilities.
III. Withdrawal of troops, etc.
IV. Restoration of territory; evacuation; prisoners.
V. Boundary line.
VI. Navigation of Gulf of California and lower Colorado River.
VII. Navigation of Gila and Bravo rivers.
VIII. Inhabitants of ceded territory.
IX. Acquiring United States citizenship.
X. (Stricken out.)
XI. Protection against Indians.
XII. Payment for ceded lands.
XIII. Payment of claims awarded against Mexico.
XIV. Discharge of all prior claims.
XV. Ascertainment of outstanding claims.
XVI. Fortifications.
XVII. Revival of former treaties.
XVIII. Supplies for United States troops occupying Mexico.
XIX. Imports during United States occupation.
XX. Duties on imports before restoration of Mexican customs authorities.
XXI. Arbitration of future disagreements.
XXII. Rules to be observed in case of war.
XXIII. Ratification.
Protocol.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two peoples should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say:

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

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[a] Federal cases: Cross *v.* Harrison (16 How., 164), Judson *v.* Corcoran (17 How., 612), McKinney *v.* Saviego (18 How., 235), U. S. *v.* Auguisola (1 Wall., 352), U. S. *v.* Moreno (1 Wall., 400), U. S. *v.* Yorba (1 Wall., 412), Townsend *v.* Greeley (5 Wall., 326), In re Atocha (17 Wall., 439), Basse *v.* Brownsville (22 Law. Ed., 420, 154 U. S., 610), Botiller *v.* Dominguez (130 U. S., 238), Seabury *v.* Field (1 McAllister, 1), Friedman *v.* Goodwin (1 McAllister, 142), Tobin *v.* Walkinshaw (1 McAllister, 186), Tripp *v.* Spring (5 Sawy., 209), Atocha *v.* U. S. (8 Ct. Cls., 427), Crystal Springs Land and Water Co. *v.* Los Angeles (76 Fed. Rep., 148), In re Rodriguez (81 Fed. Rep., 337), Hooker *v.* Los Angeles (188 U. S., 314), Sena *v.* U. S. (189 U. S., 233), Devine *v.* Los Angeles (202 U. S., 313).

Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic.

Article I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

Article II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

Article III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be dispatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall

be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.[a]

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of

[a] This article was amended by Article 1 of the treaty of December 30, 1853.

the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in* 1847, *by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ARTICLE VI.[a]

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.[a]

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obliga-

[a] This article was amended by Article 4 of the treaty of December 30, 1853.

tion to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.[a]

Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive controul of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the

[a] This article was abrogated by the second article of the treaty of December 30, 1853.

United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

Article XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

Article XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided

against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

Article XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

Article XV.[a]

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three;[b] and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

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[a] By act of March 3, 1849, these commissioners were appointed to examine and adjust claims. The commission concluded April 15, 1851, allowing claims to the amount of $3,208,314.96.

[b] See page 1120.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such importation, or in any manner to account for the same to the said authorities.

Article XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

Article XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

Article XXII.

If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months, (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable

and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

Article XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of

Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

[SEAL.]	N. P. TRIST.
[SEAL.]	LUIS G. CUEVAS.
[SEAL.]	BERNARDO COUTO.
[SEAL.]	MIGL. ATRISTAIN.

PROTOCOL.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, Commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits, and definitive settlement between the two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and His Excellency Don Luis de la Rosa, Minister of Foreign Affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid excellencies the Commissioners gave in the name of their Government and in fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of the treaty of Guadalupe Hidalgo and substituting the IIId article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the Minister of Foreign Affairs of the Mexican Republic, he declared, in name of his Government, that with the understanding conveyed by them the same Government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States. In testimony of which, their Excellencies, the aforesaid Commissioners and the Minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.] A. H. SEVIER.
[SEAL.] NATHAN CLIFFORD.
[SEAL.] LUIS DE LA ROSA.

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843.

ARTICLE I.

All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the Government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the Government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under

the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

1853.[a]

Treaty of Boundary, Cession of Territory, Transit of Isthmus of Tehuantepec, etc.

(GADSDEN TREATY.)

Concluded December 30, 1853; ratification advised by the Senate with amendments April 25, 1854; ratified by the President June 29, 1854; ratifications exchanged June 30, 1854; proclaimed June 30, 1854.

Articles.

I. Boundary established; survey, etc.
II. Release of obligations as to Indians.
III. Payment for territory acquired.
IV. Navigation of Gulf of California, Colorado, and Bravo rivers.
V. Inhabitants of ceded territory; fortifications; navigation and commerce.
VI. Recognition of land grants.
VII. Adjustment of future differences.
VIII. Transit of Tehuantepec Isthmus.
IX. Ratification.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and Secretary of State and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation; who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

Article I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same

[a] Federal case: In re Rodriguez (81 Fed. Rep., 337).

dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two Governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

Article II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

ARTICLE III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ARTICLE IV.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ARTICLE VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously

be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ARTICLE VIII.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ARTICLE IX.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the

thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

[SEAL.] JAMES GADSDEN.
[SEAL.] MANUEL DIEZ DE BONILLA.
[SEAL.] JOSÉ SALAZAR YLARREGUI.
[SEAL.] J. MARIANO MONTERDE.

1861.[a]

EXTRADITION TREATY.

Concluded December 11, 1861; ratification advised by the Senate with amendments April 9, 1862; ratified by the President April 11, 1862; ratifications exchanged May 20, 1862; proclaimed June 20, 1862.

ARTICLES.

I. Surrender of accused.
II. Requisitions; crimes in frontier States.
III. Crimes.
IV. Surrender, how made.
V. Expenses.
VI. Political offenses.
VII. Duration.
VIII. Ratification.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say:

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a Deputy of the Congress of the Union;

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic

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[a] By notification from the Mexican Government this treaty was abrogated January 24, 1899.

Federal cases: Benson *v.* McMahon (127 U. S., 457), Ornelas *v.* Ruiz (161 U. S., 502), Ex parte Coy (32 Fed. Rep., 911), In re Benson (34 Fed. Rep., 649), Ex parte McCabe (46 Fed. Rep., 363), In re Rowe (77 Fed. Rep., 161), Ex parte Yerdi (166 Fed. Rep., 921).

agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present treaty, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or throug[h] the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accessories, or accomplices, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) assault with intent to commit murder; mutilation; piracy; arson; rape; kidnapping, defining the same to be the taking and carrying away of a free person by force or deception; forgery, including the forging or making, or knowingly passing or putting in circulation counterfeit coin or bank notes, or other paper current as money, with intent to defraud any person or persons; the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty-five dollars or more, when the same is committed within the frontier States or Territories of the contracting parties.

ARTICLE IV.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the Executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief

civil authority of the said frontier States or Territories, or if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government or authority of the frontier State or Territory in whose name the requisition shall have been made.

ARTICLE VI.

The provisions of the present treaty shall not be applied in any manner to any crime or offence of a purely political character, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE VII.

This treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE VIII.

The present treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, the eighty-sixth of the Independence of the United States of America, and the forty-first of that of the United Mexican States.

[SEAL.] THOS. CORWIN.
[SEAL.] SEB'N LERDO DE TEJADA.

1868.

Claims Convention.[a] [b]

Concluded July 4, 1868; ratification advised by the Senate July 25, 1868; ratified by the President January 25, 1869; ratifications exchanged February 1, 1869; proclaimed February 1, 1869.

Articles.

I. Claims.
II. Commissioners.
III. Time for presenting and decision.
IV. Award.
V. Finality of settlement.
VI. Records, etc.
VII. Ratification.

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of republican government on the American continent; and whereas since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican Republic, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

Article I.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of the Mexican Republic, arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies, or private individuals, citizens of the Mexican Republic, upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States, by and

[a] Federal cases: Frelinghuysen *v.* Key (110 U. S., 63); Alling *v.* U. S. (114 U. S., 562); U. S. ex rel. Boynton *v.* Blaine (139 U. S., 306); U. S. ex rel. Key *v.* Frelinghuysen (2 Mackey (D. C.), 299).

[b] See extension conventions, 1871, p. 1133; 1872, p. 1134; 1874, p. 1136.

with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic, respectively, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners so named shall meet at Washington within six months after the exchange of the ratifications of this convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice, and equity, without fear, favor, or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Governments of the United States and of the Mexican Republic, respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such umpire, another and different person shall be named, as aforesaid, to act as such umpire, in the place of the person so originally named, as aforesaid, and shall make and subscribe such declaration as aforesaid.

Artilce II.

The commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice, in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments in support of, or in answer to any claim, and to hear, if required, one person on each side on behalf of each government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without

appeal. The decision of the commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of a transaction of a date prior to the 2d of February, 1848, shall be admissible under this convention.

Article III.

Every claim shall be presented to the commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the umpire in the event of the commissioners differing in opinion thereupon, and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

When decisions shall have been made by the commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico or at the city of Washington, in gold or its equivalent, within twelve months from the close of the commission, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of this convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year until the whole shall have been paid.

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ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE VI.

The commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings, with the dates. For that purpose they shall appoint two secretaries versed in the language of both countries to assist them in the transaction of the business of the commission. Each government shall pay to its commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments. The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission. The salary of the secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States. The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission, provided always that such deduction shall not exceed five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed in moieties by the two governments.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approbation of the Congress of that Republic; and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. ROMERO.

The commission provided for in the foregoing treaty was duly appointed and concluded its work January 31, 1876, rendering awards in favor of citizens of the United States to the amount of $4,125,622.20 and $150,498.41 in favor of citizens of Mexico.

1868.[a]

Convention Regulating Citizenship of Emigrants.

Concluded July 10, 1868; ratification advised by the Senate July 25, 1868; ratified by the President January 27, 1869; ratifications exchanged February 1, 1869; proclaimed February 1, 1869.

Articles.

I. Treatment of naturalized citizens.
II. Offenses committed before emigration.
III. Extradition convention.
IV. Renunciation of citizenship.
V. Duration.
VI. Ratification.

The President of the United States of America and the President of the Republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the Republic of Mexico, have decided to treat on this subject, and with this object have named as Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico near the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided, without interruption, in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

Article II.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

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[a] This convention was terminated February 11, 1882, upon notification given by Mexico. In re Rodriquez (81 Fed. Rep., 337).

ARTICLE III.

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

ARTICLE IV.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approval of the Congress of that republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention at the city of Washington, this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. ROMERO.

1871.[a]

CLAIMS CONVENTION.

Concluded April 19, 1871; ratification advised by the Senate December 11, 1871; ratified by the President December 15, 1871; ratifications exchanged February 8, 1872; proclaimed February 8, 1872.

Whereas a convention was concluded on the 4th day of July, 1868, between the United States of America and the United States of Mexico, for the settlement of outstanding claims that have originated

[a] Extended by convention of 1872.

since the signing of the treaty of Guadalupe Hidalgo, on the 2d of February, 1848, by a mixed commission limited to endure for two years and six months from the day of the first meeting of the commissioners; and whereas doubts have arisen as to practicability of the business of the said commission being concluded within the period assigned:

The President of the United States of America and the President of the United States of Mexico are desirous that the time originally fixed for the duration of the said commission should be extended, and to this end have named Plenipotentiaries to agree upon the best mode of effecting this object that is to say: The President of the United States of America, Thomas H. Nelson, accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic; and the President of the United States of Mexico, Manuel Azpiroz, Chief Clerk and in charge of the Ministry of Foreign Relations of the United States of Mexico; who, after having presented their respective powers, and finding them sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that the term assigned in the convention of the 4th of July, 1868, above referred to, for the duration of the said commission, shall be extended for a time not exceeding one year from the day when the functions of the said commission would terminate according to the convention referred to, or for a shorter time if it should be deemed sufficient by the commissioners, or the umpire in case of their disagreement.

It is agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the mixed commission.

ARTICLE II.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above-mentioned Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Mexico the 19th day of April, in the year one thousand eight hundred and seventy-one.

[SEAL.] THOMAS H. NELSON.
[SEAL.] MANUEL AZPIROZ.

1872.[a]

CLAIMS CONVENTION.

Concluded November 27, 1872; ratification advised by the Senate with amendment March 9, 1873; ratified by the President March 10, 1873; ratifications exchanged July 17, 1873; proclaimed July 24, 1873.

Whereas, by the convention concluded between the United States and the Mexican Republic on the fourth day of July, 1868, certain

[a] See convention of 1874, p. 1136.

claims of citizens of the contracting parties were submitted to a joint commission, whose functions were to terminate within two years and six months, reckoning from the day of the first meeting of the commissioners; and

Whereas the functions of the aforesaid joint commission were extended, according to the convention concluded between the same parties on the nineteenth day of April, 1871, for a term not exceeding one year from the day on which they were to terminate according to the first convention; and whereas the possibility of said commission's concluding its labors even within the period fixed by the aforesaid convention of April nineteenth, 1871, is doubtful;

Therefore, the President of the United States of America and the President of the United States of Mexico, desiring that the term of the afore-mentioned commission should be again extended, in order to attain this end, have appointed, the President of the United States Hamilton Fish, Secretary of State, and the President of the United States of Mexico Ignacio Mariscal, accredited to the Government of the United States as Envoy Extraordinary and Minister Plenipotentiary of said United States of Mexico, who, having exchanged their respective powers, which were found sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that the said commission be revived and that the time fixed by the convention of April nineteenth, 1871, for the duration of the commission aforesaid, shall be extended for a term not exceeding two years from the day on which the functions of the said commission would terminate according to that convention, or for a shorter time if it should be deemed sufficient by the commissioners or the umpire, in case of their disagreement.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said convention for the presentation of claims to the commission.

ARTICLE II.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the above-named Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Washington the twenty-seventh day of November, in the year one thousand eight hundred and seventy-two.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1873.

EXTENSION PROTOCOL.

Concluded January 31, 1873.

PROTOCOL.

Whereas the Convention between the United States and the Mexican Republic of the 19th of April 1871, stipulates that the Commis-

sion to which it relates shall be extended for a term not exceeding one year from the day when the functions of the said Commission would terminate pursuant to the Convention of the 4th of July, 1868, which year will expire on the last day of this month; and Whereas a Convention for the still further prolongation of that Commission has been signed, but, owing to unavoidable circumstances, has not seasonably been ratified by the parties;

Now, therefore, be it known, that the Undersigned, Hamilton Fish, Secretary of State of the United States, and Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, upon due consultation one with the other, have deemed it advisable, under the circumstances for the interests of the parties to the said Convention, that the apartments heretofore occupied by the said Commission shall, with the papers and books relating to the business continue in the custody of the respective Secretaries thereof, until the pleasure of both Governments in regard to the further prosecution of the business of the Commission shall be definitely known.

It is further understood that all the expenses which may attend this continued occupation, including the rent of the apartments, fuel, messengers and other incidental charges, shall be borne and defrayed equally, one half by the United States and one half by the Mexican Government.

HAMILTON FISH
IGNO. MARISCAL

WASHINGTON, *January 31, 1873.*

1874.[a]

CONVENTION FOR THE FURTHER EXTENSION OF DURATION OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS.

Concluded November 20, 1874; ratification advised by the Senate January 20, 1875; ratified by the President January 22, 1875; ratifications exchanged January 28, 1875; proclaimed January 28, 1875.

ARTICLES.

I. Duration extended.
II. Umpire allowed additional time.
III. Cases decided by commission; award.
IV. Ratification.

Whereas, pursuant to the convention between the United States and the Mexican Republic of the 19th day of April, 1871, the functions of the joint commission under the convention between the same parties of the 4th of July, 1868, were extended for a term not exceeding one year from the day on which they were to terminate according to the convention last named:

And whereas, pursuant to the first article of the convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two, the joint commission above referred to was revived and again extended for a term not exceeding

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[a]Award. See p. 1131.

two years from the day on which the functions of the said commission would terminate pursuant to the said convention of the nineteenth day of April, 1871; but whereas the said extensions have not proved sufficient for the disposal of the business before the said commission, the said parties being equally animated by a desire that all that business should be closed as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that republic to the United States. And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon the following articles.

ARTICLE I.

The high contracting parties agree that the said commission shall again be extended, and that the time now fixed for its duration shall be prolonged for one year from the time when it would have expired pursuant to the convention of the twenty-seventh of November, 1872: that is to say until the thirty-first day of January in the year one thousand eight hundred and seventy-six.

It is, however, agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed by the convention of the 4th of July, 1868, aforesaid, for the presentation of claims to the commission.

ARTICLE II.

It is further agreed that, if at the expiration of the time when, pursuant to the first article of this convention, the functions of the commissioners will terminate, the umpire under the convention should not have decided all the cases which may then have been referred to him, he shall be allowed a further period of not more than six months for that purpose.

ARTICLE III.

All cases which have been decided by the commissioners or by the umpire heretofore, or which shall be decided prior to the exchange of the ratifications of this convention, shall, from the date of such exchange be regarded as definitely disposed of, and shall be considered and treated as finally settled, barred, and thenceforth inadmissible. And, pursuant to the stipulation contained in the fourth article of the convention of the fourth day of July, one thousand eight hundred and sixty-eight, the total amount awarded in cases already decided and which may be decided before the exchange of ratifications of this convention and in all cases which shall be decided within the times in this convention respectively named, for that purpose, either by the commissioners or by the umpire, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent,

within twelve months from the 31st day of January one thousand eight hundred and seventy-six to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in article VI of that convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars in gold or its equivalent, in any one year until the whole shall have been paid.

ARTICLE IV.

The present convention shall be ratified and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above named Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in Washington the twentieth day of November, in the year one thousand eight hundred and seventy-four.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1876.[a]

CONVENTION EXTENDED FUNCTIONS OF THE UMPIRE OF THE JOINT COMMISSION FOR THE SETTLEMENT OF CLAIMS UNTIL NOVEMBER 20, 1876.

Concluded April 29, 1876; ratification advised by the Senate May 24, 1876; ratified by the President June 27, 1876; ratifications exchanged June 29, 1876; proclaimed June 29, 1876.

ARTICLES.

I. Umpire continued.
II. Awards; payment.
III. Ratification.

Whereas, pursuant to the Convention between the United States and the Mexican Republic of the 19th day of April, 1871, the functions of the joint commission under the Convention between the same parties of the 4th of July, 1868, were extended for a term not exceeding one year from the day on which they were to terminate according to the convention last named;

And whereas, pursuant to the first Article of the convention between the same parties, of the twenty-seventh day of November, one thousand eight hundred and seventy-two, the joint Commission above referred to was revived and again extended for a term not exceeding two years from the day on which the functions of the said commission would terminate pursuant to the said Convention of the nineteenth day of April, 1871;

And whereas pursuant to the Convention between the same parties, of the twentieth day of November one thousand eight hundred and seventy-four, the said commission was again extended for one year from the time when it would have expired pursuant to the Convention of the twenty-seventh of November, one thousand eight hundred and seventy-two, that is to say, until the thirty-first day of January

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[a] For award see p. 1131.

one thousand eight hundred and seventy-six; and it was provided that if at the expiration of that time, the Umpire under the Convention should not have decided all the cases which may then have been referred to him, he should be allowed a further period of not more than six months for that purpose;

And whereas, it is found to be impracticable for the Umpire appointed pursuant to the Convention adverted to, to decide all the cases referred to him, within the said period of six months prescribed by the Convention of the twentieth of November one thousand eight hundred and seventy-four;

And the parties being still animated by a desire that all that business should be closed as originally contemplated, the President of the United States has for this purpose conferred full powers on Hamilton Fish, Secretary of State, and the President of the Mexican Republic has conferred like powers on Don Ignacio Mariscal, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States; and the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that if the Umpire appointed under the Convention above referred to, shall not, on or before the expiration of the six months allowed for the purpose by the second article of the Convention of the twentieth of November one thousand eight hundred and seventy-four, have decided all the cases referred to him, he shall then be allowed a further period until the twentieth day of November one thousand eight hundred and seventy-six, for that purpose.

ARTICLE II.

It is further agreed that so soon after the twentieth day of November one thousand eight hundred and seventy-six, as may be practicable, the total amount awarded in all cases already decided, whether by the Commissioners or by the Umpire, and which may be decided before the said twentieth day of November, in favor of citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, on or before the thirty-first day of January one thousand eight hundred and seventy-seven, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI of the said Convention of July 1868. The residue of the said balance shall be paid in annual instalments on the thirty-first day of January in each year, to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year, until the whole shall have been paid.

ARTICLE III.

The present Convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the above named Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in Washington, the twenty-ninth day of April, in the year one thousand eight hundred and seventy-six.

[SEAL.] HAMILTON FISH.
[SEAL.] IGNO. MARISCAL.

1876.

PROTOCOL CONCERNING COMPENSATION OF UMPIRE UNDER TREATY OF 1868.

Concluded December 14, 1876.

PROTOCOL

Whereas the Convention for the adjustment of claims provided for by the Convention between the United States and the Mexican Republic of the 4th of July 1868, stipulates in its Sixth Article that the compensation to be paid to the Umpire shall be determined by mutual consent at the close of the Commission:

And whereas the said Commission, though continued from time to time by subsequent Conventions, has concluded its functions and come to a close:

And whereas the same Article stipulates that the whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by that Commission, provided always that such deduction shall not exceed five per cent on the sums so awarded, the deficiency, if any, to be defrayed in moieties by the two governments:

Now, Therefore, the Undersigned, Hamilton Fish, Secretary of State, and Don Ignacio Mariscal, accredited to the government of the United States as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, have this day met for a consideration of these subjects, and have determined that the compensation of the Umpire aforesaid shall be at the rate of six thousand dollars a year. Consequently, deducting the advances made by each Government to Doctor Leiber during the time of his service as Umpire, there remains the sum of eighteen thousand five hundred and fifty dollars for compensation of the Umpire, one half payable by each Government.

The advances and payments made to Doctor Leiber were six thousand one hundred and thirty-nine dollars and seventy-two cents, paid by each Government, in all twelve thousand two hundred and seventy-nine dollars and forty-four cents.

The expenses of the Commission contemplated in Article VI of the Convention including the contingent expenses, have amounted to one hundred and seventy-eight thousand seven hundred and thirty eight dollars and forty-six cents, equal to four per cent—and seventeen thousand nine hundred and ninety-two one hundred thousandths of one per cent. on the total amount of awards on both sides.

The Undersigned have also caused the account hereunto annexed to be stated, and have approved the same under their respective hands.

HAMILTON FISH
Secy of State
IGNo MARISCAL

WASHINGTON *14th December 1876.*

1882.[a]

BOUNDARY CONVENTION.

Concluded July 29, 1882; ratification advised by the Senate August 8, 1882; ratified by the President January 29, 1883; ratifications exchanged March 3, 1883; proclaimed March 5, 1883.

ARTICLES.

I. Preliminary reconnaissance.
II. International Boundary Commission authorized.
III. Powers of commission.
IV. Boundary monuments.
V. Reports of commission.
VI. Expenses.
VII. Payment for monuments.
VIII. Duration of commission.
IX. Protection of monuments; ratification.

The President of the United States of America on the one hand and the President of the United States of Mexico on the other, being desirous of putting an end to whatever difficulties arise from the destruction or displacement of some of the monuments erected for the purpose of marking the boundary between the two countries, have thought proper to conclude a convention with the object of defining the manner in which the said monuments are to be restored to their proper places and new ones erected, if necessary; to which end they have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States of America; and the President of the United States of Mexico, Señor Don Matis Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, in Washington;

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

With the object of ascertaining the present condition of the monuments marking the boundary line between the United States of America and the United States of Mexico, established by the treaties of February 2nd, 1848, and December 3rd,[b] 1853, and for determining generally what monuments, if any, have been destroyed or removed and may require to be rebuilt or replaced, a preliminary reconnaissance of the frontier line shall be made by each government, within six months from the exchange of ratifications of this

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[a] With the exception of Article IX this treaty has been fully executed. See conventions, pp. 1164, 1165, 1167, 1174, 1175, 1179, 1181, 1182, 1191, 1192.

[b] Should be December 30th, 1853.

convention. These reconnaissances shall be made by parties under the control of officers of the regular army of the respective countries, and shall be effected in concert, in such manner as shall be agreed upon by the commanders of the respective parties. The expense of each reconnoitering party shall be borne by the government in whose behalf it operates.

These reconnaissance parties shall report to their respective governments, within eight months from the exchange of the ratifications of this convention:

(*a*) the condition of the present boundary monuments;

(*b*) the number of destroyed or displaced monuments;

(*c*) the places, settled or capable of eventual settlement, where it may be advisable to set the monuments closer together along the line than at present;

(*d*) the character of the new monuments required, whether of stone or iron; and their number, approximately, in each case.

Article II.

Pending the conclusion of the preliminary reconnaissances provided in Article I, each government shall appoint a surveying party, consisting of an Engineer-in-chief, two Associates, one of whom shall be a practical astronomer, and such number of assistant engineers and associates as it may deem proper. The two parties so appointed shall meet at El Paso del Norte, or at any other convenient place to be agreed upon, within six months from the exchange of the ratifications hereof, and shall form, when combined, an "International Boundary Commission."

Article III.

The International Boundary Commission shall be required and have the power and authority to set in their proper places along the boundary line between the United States and Mexico, from the Pacific Ocean to the Rio Grande, the monuments heretofore placed there under existing treaties, whenever such monuments shall have become displaced; to erect new monuments on the site of former monuments when these shall have been destroyed; and to set new monuments at such points as may be necessary, and be chosen by joint accord between the two Commissioner Engineers-in-Chief. In rebuilding and replacing the old monuments and in providing for new ones, the respective reports of the reconnaissance parties, provided by Article I, may be consulted; provided, however, that the distance between two consecutive monuments shall never exceed eight thousand meters, and that this limit may be reduced on those parts of the line which are inhabited or capable of habitation.

Article IV.

Where stone shall be found in sufficient abundance the monuments may be of stone; and in other localities shall be of iron, in the form of a simple tapering four-sided shaft with pediment rising above the ground to a height of six feet, and bearing suitable inscriptions on its sides. These monuments shall be at least two centimeters in thickness, and weigh not less than five hundred pounds each.

The approximate number thereof to be required may be determined from the reports of the preliminary reconnaissance parties, and the monuments, properly cast and finished, may be sent forward from time to time to such spots as the commission may select, to be set in place at the sites determined upon as the work progresses.

ARTICLE V.

The Engineers-in-Chief of both sections shall determine, by common consent, what scientific processes are to be adopted for the resetting of the old monuments and the erection of the new ones; and they shall be responsible for the proper performance of the work.

On commencing operations, each section shall report to its government the plan of operations upon which they shall have jointly agreed; and they shall from time to time submit reports of the progress made by them in the said operations; and finally they shall present a full report, accompanied by the necessary drawings, signed by the Engineer-in-Chief and the two Associate Engineers on each side, as the official record of the International Boundary Commission.

ARTICLE VI.

The expenses of each section shall be defrayed by the government which appointed it; but the cost of the monuments and of their transportation shall be equally shared by both governments.

ARTICLE VII.

Whenever the number of the monuments to be set up shall be approximately known as the result of the labors of the preliminary reconnaissance-parties, the Engineers-in-Chief shall prepare an estimate of their cost, conveyance and setting up; and when such estimate shall have been approved by both governments, the mode of making the payment of the part to be paid by Mexico shall be determined by a special arrangement between the two governments.

ARTICLE VIII.

The work of the International Boundary Commission shall be pushed forward with all expedition; and the two governments hereby agree to regard the present convention as continuing in force until the conclusion of said work, provided that such time does not exceed four years and four months [a] from the date of the exchange of the ratifications hereof.

ARTICLE IX.

The destruction or displacement of any of the monuments described herein, after the line shall have been located by the International Boundary Commission as aforesaid, is hereby declared to be a misdemeanor, punishable according to the justice of the country of the offender's nationality, if he be a citizen of either the United States

[a] Time extended by convention of December 5, 1885, p. 1163.

or Mexico; and if the offender be of other nationality, then the misdemeanor shall be punishable according to the justice of either country where he may be apprehended.

This convention shall be ratified on both sides and the ratifications exchanged at Washington as soon as possible.

In testimony whereof we have signed this convention in duplicate, in the English and Spanish languages, and affixed hereunto the seals of our arms.

Done in the City of Washington this 29th day of July, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

1882.[a]

PROTOCOL OF AN AGREEMENT CONCERNING PURSUIT OF INDIANS ACROSS THE BORDER.

Signed July 29, 1882.

Memorandum of an agreement entered into, in behalf of their respective Governments, by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, providing for the reciprocal crossing of the international boundary line by the troops of the respective Governments in pursuit of savage Indians, under the conditions hereinafter stated.

ARTICLE I.

It agreed that the regular Federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of savage Indians, upon the conditions stated in the following articles:

ARTICLE II.

The reciprocal crossing agreed upon in article L. shall only occur in the unpopulated or desert parts of said boundary line. For the purposes of this agreement the unpopulated or desert places are defined to be all those points which are at least two leagues distant from any encampment or town of either country.

ARTICLE III.

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, twenty Mexican leagues (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

ARTICLE IV.

The commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing or before if possible, give notice of his march to the nearest military commander or civil authority of the country whose territory he enters.

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[a] See protocols, pp. 1145, 1157, 1158, 1162, 1170, 1174, 1177.

ARTICLE V.

The pursueing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to make the pursuit of the band whose trail they follow.

ARTICLE VI.

The abuses which may be committed by the forces which cross into the territory of the other nation shall be punished by the Government to which the forces belong, according to the gravity of the offense and in conformity to its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

ARTCLE VII.

In the case of offenses which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

ARTICLE VIII.

This agreement shall remain in force for two years, and may be terminated by either government upon four months' notice to the other, to that effect.

ARTICLE IX.

As the Senate of the United States of Mexico has authorized the President of that republic, in accordance with paragraph III., Letter B, section III, of article 72d of its constitution, as modified on the 6th of November, 1874, to allow the passing of Mexican troops into the United States and of United States into Mexico, and the constitution of the United States empowers the President of the United States to allow the passage without the consent of the Senate, this agreement does not require the sanction of the Senate of either country, and will begin to take effect twenty days after this date.

In testimony of which we have interchangeably signed this memorandum this 29th day of July, 1882.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

1882.[a]

PROTOCOL OF AN AGREEMENT MODIFYING AGREEMENT SIGNED JULY 29, 1882, CONCERNING PURSUIT OF INDIANS ACROSS THE BOUNDARY LINE.

Signed and exchanged September 21, 1882.

Protocol of an agreement entered into in behalf of their respective Governments, by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordi-

nary and Minister Plenipotentiary of the Republic of Mexico, modifying article VIII. of the agreement signed in Washington, on the 29th of July, 1882, providing for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians.

ONLY ARTICLE.

Article VIII. of the agreement signed in the city of Washington by the representatives of the United States of America and the United States of Mexico on the 29th of July, 1882, providing for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians, under the conditions stated in said agreement, is hereby modified in the following terms:

"ARTICLE VIII.—This agreement shall remain in force for a year from the 18th of August, 1882, and may be terminated by either Government, at any time upon four months' notice to the other to that effect."

In testimony of which we have interchangeably signed this protocol this 21st day of September, 1882.

FREDK. T. FRELINGHUYSEN. [SEAL.]
M. ROMERO. [SEAL.]

1883.[a]

COMMERCIAL RECIPROCITY CONVENTION.

Concluded January 20, 1883; ratification advised by the Senate with amendments March 11, 1884; ratified by the President May 20, 1884; ratifications exchanged May 20, 1884; proclaimed June 2, 1884.

ARTICLES.

I. Schedule to be admitted to United States.
II. Schedule to be admitted to Mexico.
III. Regulations for prevention of fraud by Mexico.
IV. Regulations for prevention of fraud by United States.
V. Import duties; other nations.
VI. Transit duties.
VII. Transit duties.
VIII. Laws to carry convention into effect.
IX. Duration.
X. Ratification.

The United States of America and the United States of Mexico, equally animated by the desire to strengthen and perpetuate the friendly relations, happily existing between them, and to establish such commercial intercourse between them as shall encourage and

[a] The Congress of the United States did not pass the legislation to carry this convention into effect and it ceased to be operative May 20, 1887.

develop trade and good will between their respective citizens, have resolved to enter into a commercial convention. For this purpose the President of the United States of America has conferred full powers on Ulysses S. Grant and William H. Trescot, citizens of the United States of America, and the President of the United States of Mexico has conferred like powers on Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of Mexico at Washington, and on Astanislao Cañedo, citizens of the United States of Mexico;

And said Plenipotentiaries, after having exchanged their respective full powers, which were found to be in due form, have agreed to the following articles:

Article I.

For and in consideration of the rights granted by the United States of Mexico to the United States of America in article second of this convention, and as an equivalent therefor, the United States of America hereby agree to admit, free of import duties whether Federal or local, all the articles named in the following schedule, into all the ports of the United States of America, and into such places on their frontier with Mexico, as may be established now or hereafter as ports of entry by the United States of America, provided that the same be the growth and manufacture or produce of the United States of Mexico.

SCHEDULE OF MEXICAN ARTICLES TO BE ADMITTED FREE OF DUTY INTO THE UNITED STATES OF AMERICA.

(2) 1. Animals, alive, specially imported for breeding purposes.
(9) 2. Barley, not pearl.
(8) 3. Beef.
(6) 4. Coffee.
(17) 5. Eggs.
(13) 6. Esparto and other grasses, and pulp of, for the manufacture of paper.
(14) 7. Flowers, natural of all kinds.
(15) 8. Fruits. All kinds of fresh fruits, such as oranges, lemons, pine-apples, limes, bananas, plantains, mangoes, etc.
(26) 9. Goat skins, raw.
(16) 10. Henequen, sisal, hemp, and other like substitutes for hemp.
(10) 11. Hide-ropes.
(11, 27) 12. Hides, raw or uncured, whether dry, salted, or pickled, and skins, except sheepskins with the wool on, Angora goat skins, raw, without the wool, and asses' skins.
(18) 13. India-rubber, crude and milk of.
(3, 19) 14. Indigo.
(20) 15. Ixtle or Tampico fibre.
(21) 16. Jalap.
(12) 17. Leather, old scrap.
(24) 18. Logwood, berries, [*] nuts, archil, and vegetables for dyeing or used for composing dyes.
(23) 19. Molasses.
(1) 20. Palm or cocoanut oil.

(4) 21. Quicksilver.
(30) 22. Sarsaparilla, crude.
(7) 23. Shrimps and all other shell fish.
(25) 24. Straw, unmanufactured.
(5) 25. Sugar, not above number 16, Dutch standard in color.
(28) 26. Tobacco in leaf, unmanufactured.
(29) 27. Vegetables, fresh of all kinds.
(22) 28. Wood and timber of all kinds, unmanufactured, including ship timber.

Article II.

For and in consideration of the rights granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, the United States of Mexico hereby agree to admit free of duties whether Federal or local, all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the United States of Mexico and into such places on their frontier with the United States of America as may be established now or hereafter as ports of entry by the United States of Mexico.

SCHEDULE OF UNITED STATES ARTICLES TO BE ADMITTED FREE OF DUTY INTO MEXICO.

(1) 1. Accordeons and harmonicas.
(74) 2. Anvils.
(8) 3. Asbestos for roofs.
(12) 4. Bars of steel for mines, round or octagonal.
(22) 5. Barrows and hand trucks with one or two wheels.
(36) 6. Bricks, refractory and all kinds of bricks.
(38) 7. Books, printed, unbound or bound in whole or in the greater part with paper or cloth.
(73) 8. Beams, small, and rafters of iron for roofs, provided that they cannot be made use of for other objects in which iron is employed.
(19) 9. Coal of all kinds.
(21) 10. Cars and carts with springs.
(23) 11. Coaches and cars for railways.
(24) 12. Crucibles and melting pots of all materials and sizes.
(25) 13. Cane-knives.
(63) 14. Clocks, mantle or wall.
(26) 15. Diligences and road carriages of all kinds and dimensions.
(27) 16. Dynamite.
(14) 17. Fire pumps, engines, and ordinary pumps for irrigation and other purposes.
(4) 18. Faucets.
(47) 19. Fuse and wick for mines.
(53) 20. Feed, dry, and straw.
(29) 21. Fruits, fresh.
(37) 22. Fire-wood.
(54) 23. Fish, fresh.
(30) 24. Guano.
(6) 25. Hose, mattocks, and their handles.
(16) 26. Houses of wood or iron, complete.

(17) 27. Hoes, common agricultural knives without their sheaths, scythes, sickles, harrows, rakes, shovels, pick-axes, spades and mattocks for agriculture.

(66) 28. Henequen bags, on condition that they be used for subsequent exportation with Mexican products.

(31) 29. Ice.

(32) 30. Iron and steel made into rails for railways.

(34) 31. Instruments, scientific.

(68) 32. Ink, printing.

(72) 33. Iron beams.

(15) 34. Lime, hydraulic.

(39) 35. Locomotives.

(56) 36. Lithographic stones.

(7,46) 37. Masts and anchors, for vessels large or small.

(41) 38. Marble in blocks.

(42) 39. Marble in flags for pavements not exceeding forty centimeters in square and polished only on one side.

(45) 40. Machines and apparatus of all kinds for industrial, agricultural and mining purposes, sciences and arts, and any separate extra parts and pieces pertaining thereto.

The extra or separate parts of machinery and the apparatus that may come united or separately with the machinery are included in this provision, comprehending in this the bands of leather or rubber that serve to communicate movement, but only when imported at the same time with the machinery to which they are adapted.

(48) 41. Metals, precious, in bullion or in powder.

(50) 42. Money, legal of silver or gold, of the United States.

(49) 43. Moulds and patterns for the arts.

(51) 44. Naptha.

(9) 45. Oats in grain or straw.

(64) 46. Oars for small vessels.

(5) 47. Plows and plowshares.

(52) 48. Paper, tarred for roofs.

(57) 49. Plants and seeds of any kind, not growing in the country, for cultivation.

(58) 50. Pens of any metal not silver or gold.

(59) 51. Petroleum, crude.

(60) 52. Petroleum or coal oil and its products for illuminating purposes.

(62) 53. Powder, common, for mines.

(10) 54. Quicksilver.

(70) 55. Rags or cloth for the manufacture of paper.

(67) 56. Roof tiles of clay or other material.

(11) 57. Sulphur.

(13) 58. Stoves of iron for cooking and other purposes.

(26) 59. Staves and headings for barrels.

(33) 60. Soda, hyposulphite of.

(43) 61. Steam engines.

(44) 62. Sewing machines.

(61) 63. Slates for roofs and pavements.

(65) 64. Sausages, large or small.

(20) 65. Teasels of wire, mounted on bands for machinery, or vegetable teasels.

(35) 66. Tools and instruments of steel,[a] iron, brass, or wood, or composed of these materials, for artisans.

(69) 67. Types, coats of arms, spaces, rules, vignettes, and accessories for printing of all kinds.

(71) 68. Vegetables, fresh.

(2) 69. Wire, telegraph, the destination of which will be proven at the respective custom houses by the parties interested.

(3) 70. Wire of iron or steel for carding, from No. 26 and upwards.

(4) 71. Wire, barbed, for fences and the hooks and nails to fasten the same.

(18) 72. Water pipes of all classes, materials and dimensions, not considering as comprehended among them tubes of copper or other metal that do not come closed or soldered with seam or with riveting in all their length.

(55) 73. Window blinds, painted or not painted.

Article III.

The Government of the United States of Mexico, shall have the power to issue such laws, rules, regulations, instructions and orders, as it may deem proper to protect its revenues and prevent fraud in order to prove that the merchandise included in the above schedule annexed to article second of this convention, are produced or manufactured in the United States of America, and therefore are entitled to importation free of duty, into the Mexican ports or such places on the frontier between Mexico and the United States of America, as are previously established as ports of entry by the Government of Mexico.

The Government of the United States of Mexico shall have moreover the power to amend, modify, or amplify the laws and regulations issued in exercising the power conferred by this article, whenever it deems proper to do so in order to protect its revenues and prevent fraud.

Article IV.

The Government of the United States of America shall have the power to issue such laws, rules, regulations, instructions and orders as it may deem proper to protect its revenues and prevent fraud, in order to prove that the merchandise included in the above schedule attached to the first article of this convention are produced or manufactured in the United States of Mexico, and therefore are entitled to importation, free of duty, into the ports of the United States of America or such places on the frontier between the United States of America and the United States of Mexico as are previously established as ports of entry by the Government of the United States of America.

The Government of the United States of America shall have moreover the power to amend, modify or amplify the laws and regulations issued in exercising the power conferred by this article, whenever it may deem proper to do so in order to protect its revenues and prevent fraud.

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[a] See protocol of January 20, 1883.

ARTICLE V.

The stipulations contained in the first and second articles of this convention will not prevent either of the contracting parties from making such changes in their import duties as their respective interests may require, granting to other nations the same liberty of rights in regard to one or more of the articles of merchandise named in the schedule annexed to the first and second articles, either by legislation or by means of treaties with other Governments. But in case such changes are made, the party affected by the same may denounce this convention even before the term specified in Article IX., and the present convention will be terminated at the end of six months, from the day on which such notification may be made by the respective country.

ARTICLE VI.

It is further agreed by the contracting parties that neither of them shall charge any duty for the transit of the above said articles of merchandise through its own territory, provided that they are intended to be consumed in the same territory.

ARTICLE VII.

Notwithstanding, either of the contracting parties may impose duties of transit upon any kind of merchandise, passing through its territory and destined to be consumed in the territory of another country.

ARTICLE VIII.[a]

The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions; but not until the laws and regulations that each shall deem necessary to carry it into operation, shall have been passed both by the Government of the United States of America and by the Government of the United Mexican States, which shall take place within twelve months from the date of the exchange of ratifications to which Article X. refers.

ARTICLE IX.

Upon the present convention taking effect, it shall remain in force for six years from the date in which it may come into operation, according to the foregoing article, and shall remain in force until either of the contracting parties shall give notice to the other of its wish to terminate the same, and until the expiration of twelve months from the date of said notification. Each of the contracting parties is at liberty to give such notice to the other at the end of said term of six years, or any time thereafter, or before as provided in Article V. of this convention.

ARTICLE X.

The ratifications of the present convention shall be duly exchanged at the city of Washington within twelve[b] months from the date hereof, or earlier if possible.

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[a] See Amendment. Protocol May 20, 1884.
[b] Sixteen. See protocol May 20, 1884.

In faith whereof the respective plenipotentiaries of the high contracting parties have signed the present convention and have affixed thereto their respective seals.

Done in duplicate at the city of Washington this twentieth day of January A. D. one thousand eight hundred and eighty-three.

U. S. GRANT. [SEAL.]
WM. HENRY TRESCOT. [SEAL.]
M. ROMERO. [SEAL.]
E. CAÑEDO. [SEAL.]

PROTOCOL [1.]

WASHINGTON, *Saturday, January 20, 1883.*

The Commissioners met, and upon further discussion the United States Commissioners consented to accept Article V. as submitted by the Mexican Commissioners.

The remaining articles of the treaty were considered and, the treaty signed, with the following agreement:

Whereas the Mexican Commissioners state that although in their instructions the word steel (*acero*) is omitted from the item No. (35) 66 of the list of merchandise of the United States to be admitted into Mexico, free of duty, appended to article 2 of the said treaty, which reads as follows: "Tools and instruments of iron, brass, or wood, or composed of these articles, for artisans," they doubt whether this omission is intentional or casual, and have consulted about it by the cable with their Government; and

Whereas the United States Commissioners assert that if tools wholly or partly of steel for the use of artisans be excluded from the benefits of the treaty, the item in question is practically of no value as a concession to the United States.

Therefore, the Commissioners hereby agree that the treaty is signed by them subject to the correction in the aforesaid item of the word "steel," so that "tools of iron, steel, brass, or wood," &c., shall be specified, if it shall be found that the omission was unintentional on the part of Mexico; and further, that if the omission be found to have been intentional the right shall be, and hereby is, reserved to the President of the United States of America to withhold the said treaty from the Senate, and to regard the same as not representing a true agreement between the respective Commissioners.

[U. S. GRANT.]
[WM. HENRY TRESCOT.]
[M. ROMERO.]
[M. CAÑEDO.]

[PROTOCOL 2.]

Agreement signed the 17th day of January, 1884, between Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico.

Whereas, pursuant to the tenth article of the Treaty between the United States of America and the United States of Mexico of the 20th of January, 1883, it was stipulated that the ratifications of that Treaty should be exchanged at the City of Washington within twelve months from the date thereof or earlier, if possible;

And whereas, it may be impossible to exchange the ratifications within the time so fixed, the President of the United States of America has invested Frederick T. Frelinghuysen, Secretary of State of the United States of America with full power; and the President of the United States of Mexico has invested Matias Romero, Envoy Extraordinary and Minister Plenipotentiary, at Washington, with like power, who having met and examined their respective powers, which were found to be in proper form, have agreed upon the following:

ADDITIONAL ARTICLE.

It is agreed that the time limited in the tenth article of the Treaty between the United States of America and the United States of Mexico, of January 20, 1883, for the exchange of the ratifications of that instrument, shall be and is hereby extended to the 20th day of May next. The present additional article shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof we the respective Plenipotentiaries have signed the same, and have hereunto affixed our respective seals.

Done in duplicate at the City of Washington, the 17th day of January in the year of our Lord one thousand eight hundred and eighty-four.

FREDK. T. FRELINGHUYSEN. [SEAL.]
M. ROMERO. [SEAL.]

[PROTOCOL 3.]

PROTOCOL OF AN AGREEMENT SIGNED THIS 11TH DAY OF FEBRUARY 1884, BETWEEN FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED STATES OF MEXICO:

The undersigned, duly authorized thereto by their respective Governments, and with the purpose of correcting an error of translation in the text of the Commercial Convention between the United States of America and the United States of Mexico signed in the city of Washington on the 20th day of January 1883, hereby agree and declare:

That the English word *berries*, found in the 18th (24th) item of the schedule of Mexican articles to be admitted duty free into the United States of America contained in Article I. of said Convention, shall be held to have its equivalent in fact, for all purposes of the execution of said Convention in the Spanish word *bayas* instead of the Spanish word *cerezas* which appears by error in the Spanish text of said Convention as signed.

This agreement shall be attached to and proclaimed with said Convention.

In witness whereof we have subscribed and sealed this Agreement, in the English and Spanish languages, in the city of Washington this 11th day of February, 1884.

FREDK. T. FRELINGHUYSEN. [SEAL.]
M. ROMERO. [SEAL.]

[PROTOCOL 4.]

The Commissioners, Ulysses S. Grant and William H. Trescot, on the part of the United States, and Matias Romero and Estanislao Cañedo, on the part of Mexico, met at the State Department at 1 o'clock, January 15, 1883.

Upon submitting to each other their respective powers, the Commissioners of the United States called to the attention of the Commissioners of Mexico that while the powers of the former were full, the powers of the latter were confined to the execution of such a Treaty as was prescribed in their instructions, and as these instructions were unknown to the United States Commissioners, the powers could scarcely be considered "like and equal."

The Mexican Commissioners said they proposed to communicate their instructions, and, at the request of the United States Commissioners, consented to attach them to their powers as part thereof.

As these instructions referred to a draft of a treaty in possession of the Mexican Commissioners as representing the views of the Mexican Government, it was agreed that the treaty should be read.

It was accordingly read, article by article.

Upon the reading of the first article, the United States Commissioners stated that complaints had been made that merchandise going from the United States into Mexico and subject to duty was not only so taxed at the port of entry, but was subject to extra taxation imposed upon the border line of every State of the Mexican Republic through which it might pass. They wished to know whether the condition of Mexican law, taken in connection with the language of this article, exempting goods on the free list from all "taxation whether Federal or local", was such as to secure these goods from local taxation.

The Mexican Commissioners said:

"That section I. of article 112 of the Federal Constitution of the United States of Mexico provides that the States cannot levy any tax upon tonnage or any other port duty, or upon imports and exports unless they are authorized to do so by the Federal Congress. That the Federal Congress has not authorized the States to levy any tax upon imports and exports, and could not give any such authority if this project became a treaty, so far as the articles embraced in Article 2 of the treaty are concerned.

"That, therefore, if any State should attempt to collect any tax on said articles, or any other foreign articles, in Mexico, the interested parties could apply to the proper courts and have the wrong remedied in accordance with the Mexican laws."

Having considered Articles 1 and 2, with the respective free lists, the Commission adjourned to meet on Tuesday, the 16th instant, at 10 o'clock.

[U. S. GRANT.]
[WM. HENRY TRESCOT.]
[M. ROMERO.]
[E. CAÑEDO.]

[PROTOCOL 5.]

WASHINGTON, *Tuesday*, *January* 16, 1883.

The Commissioners met at 10 o'clock.

The reading of the articles of the treaty draft was renewed.

In connection with Articles 3 and 4, the United States Commissioners suggested that, without making any alteration in the substance of the articles, it would be desirable if some concert could be had in the establishment of such customs regulations as might be found necessary for proof of the character of the merchandise made free under the provisions of the Treaty; and they considered it important that the official examination of such merchandise once made at the port of original entry should be sufficient to carry such goods to their point of destination without further examination.

The Mexican Commissioners said that the Mexican Government was now endeavoring to modify its customs regulations; that a Commissioner was appointed to come to the United States to examine the customs regulations between the United States and Canada, who has reported favorably upon the adoption of that system, and that a Commission was now sitting in Mexico for the revision of the tariff, and would probably adopt that system; that the introduction and development of railroads would require a change in the present system, and that they had no doubt some plan would be devised by which goods could be carried under bond to their point of final destination; that, as they had explained before, no separate State had the right to levy taxes upon imports without the consent of the Federal Congress, and that goods declared free, having once passed the custom-house of original entry, or having arrived at the place of destination, if the bond system was adopted, would not need any further justification.

The remaining articles of the draft, with the exception of Article 5, were then read, and in some respects modified.

Article V. was then read.

The United States Commissioners submitted a modification by which the free lists were made the exclusive privilege of the contracting parties during the term of the existence of the treaty—six years.

After a very full discussion, the Mexican Commissioners said that they were not authorized to accept the modification; and the United States Commissioners replied that under their instructions they were not authorized to accept the article without some modification.

The subject was referred for further discussion to the next meeting.

The Commission then adjourned to meet on Wednesday, January 17, at 11 o'clock.

[U. S. GRANT.]
[WM. HENRY TRESCOT.]
[M. ROMERO.]
[E. CAÑEDO.]

[PROTOCOL 6.]

PROTOCOL OF A CONFERENCE HELD AT THE DEPARTMENT OF STATE IN THE CITY OF WASHINGTON THE 20TH DAY OF MAY 1884, BETWEEN FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED STATES OF MEXICO.

Whereas a Treaty of Commerce was concluded between the United States of America and the United Mexican States and signed by their respective Plenipotentiaries at Washington on the 20th day of January 1883;

And whereas, the Senate of the United States by their Resolution of the 11th of March 1884 (two-thirds of the Senators present concurring) did advise and consent to the ratification of the said Treaty and the Protocols thereto with the following amendments:

Amend Article eight so as to read as follows:—

"The present convention shall take effect as soon as it has been approved and ratified by both contracting parties, according to their respective constitutions; but not until laws necessary to carry it into operation, shall have been passed both by the Congress of the United States and the Government of the United Mexican States, and regulations provided accordingly, which shall take place within twelve months from the date of the exchange of ratifications to which Article ten refers."

Article ten, line three, strike out the word "twelve" and insert in lieu thereof the word "sixteen."

And whereas the said Treaty with acceptance of said amendment was ratified by the Senate of the United States of Mexico on the 14th day May, 1884.

And whereas the Treaty has been ratified by both Governments, but the Mexican exchange copy, although on its way to Washington, has not yet arrived, it is agreed that this Protocol shall have the effect of an exchange of ratifications when complemented by a formal exchange to take place upon the arrival of the Mexican copy, and this Protocol to take effect only on the arrival of the Mexican copy of the Treaty, and then, as of to-day, when another Protocol shall be signed reciting the substance of this.

In witness whereof we have hereunto set our hands and seals.

FREDK. T. FRELINGHUYSEN. [SEAL]
M. ROMERO. [SEAL]

[PROTOCOL 7.]

Whereas, upon the 20th day of May, 1884, a protocol of a Conference held at the Department of State in the City of Washington, was signed, which provided that as the Treaty between the United States of America and the United Mexican States, signed at Washington on the 20th day of January, 1883, had been ratified by both Governments; but the Mexican Exchange Copy, although on its way to Washington had not then arrived, it was agreed that the protocol

should have the effect of an exchange of ratifications when complemented by a formal exchange, to take place upon the arrival of the Mexican copy, the protocol to take effect only on the arrival of the Mexican copy of the Treaty, and then as of its date, when another protocol should be signed citing the substance of the protocol of May 20;

And whereas the Mexican copy of the Treaty has now arrived, and the respective ratifications of said Treaty have been carefully compared and found conformable, the undersigned ratify and confirm the Protocol of May 20th, hereinbefore referred to.

In testimony whereof they have hereunto set their hands and affixed their seals at Washington this twenty sixth day of May in the year one thousand eight hundred and eighty-four.

FREDK. T. FRELINGHUYSEN. [SEAL]
M. ROMERO. [SEAL]

1883.[a]

AGREEMENT CONCERNING PURSUIT OF INDIANS ACROSS BORDER.

Concluded June 28, 1883.

Memorandum of an agreement entered into in behalf of their respective Governments, by Philip H. Morgan, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and José Fernandez, Oficial Mayor of the Department for Foreign Affairs of Mexico, and in charge thereof, for the prolongation of the agreement entered into between their respective Governments by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico, at Washington, on the Twenty-ninth July, Eighteen Hundred and Eighty-two, and the Protocol thereto attached, signed by the same parties in their aforesaid respective capacities, of the Twentyfirst September Eighteen Hundred and Eighty-two, which provides for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians.

ONLY ARTICLE.

It is agreed, that the agreement entered into between the United States of America, therein represented by Frederick T. Frelinghuysen, their Secretary of State, and the Mexican Republic, therein represented by Matias Romero, their Envoy Extraordinary and Minister Plenipotentiary, at Washington, on the twenty-ninth day of July, Eighteen Hundred and Eighty two, and the Protocol thereto, signed by the same parties as above named and in their respective capacities as aforesaid, on the twenty first day of September Eighteen Hundred and Eighty-two, which provides for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians, which said agreement, as well as

[a] See protocols, pp. 1158, 1162, 1170, 1174, 1177.

the Protocol thereto, expires on the Eighteenth day of August, Eighteen Hundred and Eighty-three, be and the same is hereby prorogued. in all of its parts, conditions and stipulations, for one year from the Eighteenth of August, Eighteen Hundred and Eighty-three: That is to say, until the Eighteenth day of August Eighteen Hundred and Eighty four.

In faith of which we have interchangeable signed this Memorandum, at the City of Mexico this Twenty-eighth day of June Eighteen Hundred and Eighty-three.

[SEAL.] P. H. MORGAN.
[SEAL.] JOSÉ FERNANDEZ.

1884.[a]

AGREEMENT RENEWING STIPULATIONS IN FORMER AGREEMENTS, CONCERNING RIGHT TO PURSUE INDIANS ACROSS THE BOUNDARY LINE.

Signed and exchanged at the city of Mexico, October 31, 1884.

Protocol of a convention celebrated in the name of their respective Governments by Mr. Harry H. Morgan, Chargé d'Affaires ad interim of the United States of America and Señor José Fernandez, Under Secretary in charge of the Department for Foreign Affairs of the United States of Mexico, for the renewal of the agreement entered into by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, each one in representation of their respective Governments, at the city of Washington on the twenty-ninth day of July, one thousand eight hundred and eighty-two and the Protocol thereto attached, signed by the same parties in their aforesaid capacities, of the twenty-first of September, one thousand eight hundred and eighty-two, which provides for the reciprocal passage in the unpopulated or desert parts of the international boundary line by the regular federal troops of the respective Governments in pursuit of savage hostile Indians.

In the city of Mexico, being present in the reception room of the Department for Foreign Affairs, Señor Don José Fernandez, Under-Secretary in charge of the said Department, and Mr. Harry H. Morgan, Chargé d'Affaires ad interim of the United States of America, the first manifests that the Executive of the United States of Mexico having been authorized by the Chamber of Senators of the Congress of the Union, under date of the ninth instant, to renew the convention of the twenty-ninth of July, one thousand eight hundred and eighty-two concerning the reciprocal passage of regular federal troops across the frontier in pursuit of hostile Indians he was prepared to sign the following agreement and both contracting parties being satisfied if the full authorization granted to each to treat upon the subject, in the name of their respective Governments, agreed upon the following:

ONLY ARTICLE.

It is agreed that the Convention entered into in the city of Washington on the twenty-ninth day of July, one thousand, eight hundred and eighty-two between the United States of America therein repre-

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[a] See protocols, pp. 1162, 1164, 1165, 1170, 1174, 1177.

sented by Frederick T. Frelinghuysen, Secretary of State of the same, and the United States of Mexico, therein represented by Matias Romero, their Envoy Extraordinary and Minister Plenipotentiary at Washington, which provides for the reciprocal passage, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians, is hereby renewed in all of its parts, conditions and stipulations except in regard to the time for which the said agreement will remain in force, the time of which has been reduced one year counting from the thirty-first of October eighteen hundred and eighty-four; that is until the thirty-first of October eighteen hundred and eighty-five.

In faith of which we have signed and reciprocally exchanged this Protocol at the city of Mexico, to-day, the thirty-first of October, eighteen hundred and eighty-four.

[SEAL.] H. H. MORGAN.
[SEAL.] JOSÉ FERNANDEZ.

1884.[a]

BOUNDARY CONVENTION, RIO GRANDE AND RIO COLORADO.

Concluded November 12, 1884; ratification advised by the Senate March 18, 1885; modifications consented to by the Senate June 23, 1886; ratified by the President July 10, 1886; ratifications exchanged September 13, 1886; proclaimed September 14, 1886.

ARTICLES.

I. Boundaries in rivers named.
II. Changes.
III. Artificial changes.
IV. Bridges.
V. Riparian rights.
VI. Ratification.

Whereas, in virtue of the Vth article of the Treaty of Guadalupe Hidalgo between the United States of America and the United States of Mexico, concluded February 2, 1848, and of the first article of that of December 30, 1853, certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Government of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States;

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers

[a] See pp. 1167, 1174, 1175, 1179, 1181, 1182, 1191, 1192.

named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

ARTICLE II.

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.

ARTICLE III.

No artificial change in the navigable course of the river, by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the original channel under the Treaty when there is more than one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by the aforesaid commissions in 1852 or as determined by Article I hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.

ARTICLE IV.

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

ARTICLE V.

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II. hereof, shall not be effected thereby, but such lands shall continue to be under the jurisdiction of the country to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulations of Article VII of the aforesaid Treaty of Guadaloupe Hidalgo; and such common right shall continue without preju-

dice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceases to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

ARTICLE VI.

This convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the city of Washington as soon as possible.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands and seals.

Done at the city of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A. D. 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

1885.

RECIPROCITY CONVENTION.

Concluded February 25, 1885; ratification advised by the Senate March 20, 1885; ratified by the President November 12, 1885; ratifications exchanged November 27, 1885; proclaimed May 4, 1886.

The United States of America and the United States of Mexico, deeming it expedient to extend the time for the approval of the laws necessary to carry into operation the Commercial Convention between the two Governments concluded at Washington, January 20, 1883, fixed in Article VIII., of said Convention, have agreed upon an additional article and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article:

ADDITIONAL ARTICLE.

The time originally fixed in Article VIII. of the Commercial Convention between the United States of America and the United States of Mexico, concluded at Washington, January 20, 1883, for the approval of the laws necessary to carry it into operation, is hereby extended to May 20, 1886.

This additional article shall be ratified by the contracting Parties, in conformity with their respective Constitutions and its ratifications shall be exchanged in Washington as soon as possible.

In faith whereof we, the undersigned, in virtue of our respective full powers, have signed the present additional article in duplicate, and have hereunto affixed our respective seals.

Done at the City of Washington the 25th day of February in the year of our Lord one thousand eight hundred and eighty-five.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] M. ROMERO.

1885.[a]

MEMORANDUM OF AN AGREEMENT EXTENDING AGREEMENT SIGNED OCTOBER 31, 1884, IN REFERENCE TO PURSUIT OF INDIANS.

Signed and exchanged October 16, 1885.

Memorandum of an agreement concluded in the name of their respective Governments by Mr. Henry R. Jackson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and Mr. Ignacio Mariscal, Secretary of State and of the Department of Foreign Relations of the United Mexican States, for the extension of the agreement of the thirty-first of October one thousand eight hundred and eighty-four, which stipulated the renewal of the one concluded in Washington on the twenty-ninth day of July, one thousand eight hundred and eighty-two, authorizing the reciprocal crossing of the unpopulated and deserted portions of the international boundary line by the regular Federal troops of both Governments in pursuit of savage hostile Indians.

In the City of Mexico, in the Conference Hall of the Department of Foreign Relations, Mr. Henry R. Jackson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and Mr. Ignacio Mariscal, Secretary of State and of the Department of Foreign Relations, being present, the latter declared that the Executive of the United Mexican States having been authorized by the Chamber of Senators of the Congress of the Union, under date of the twenty-ninth of September last, to extend for one year the agreement of the twenty-ninth of July, one thousand eight hundred and eighty-two, which was extended for another year from the eighteenth of August, one thousand eight hundred and eighty-three, and renewed on the thirty-first of October, one thousand eight hundred and eighty-four, for the reciprocal crossing of the frontier by regular Federal troops of both Governments in pursuit of savage Indians, he was ready to sign the conformable stipulation, and both contracting parties being satisfied of the full authorization granted to both to treat upon this subject, agreed, in the name of their respective Governments, upon the following:

SINGLE ARTICLE.

It is hereby stipulated that the agreement concluded in the City of Mexico on the thirty-first day of October, one thousand eight hundred and eighty-four, between the United Mexican States, represented by Mr. José Fernandez in his character of Sub-Secretary in

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[a] See protocols, pp. 1170, 1174, 1177.

charge of the Department of Foreign Relations, and the United States of America, represented by Mr. Harry H. Morgan, Chargé d'Affaires *ad interim* of the said States, for the renewal of the agreement of the twenty-ninth of July one thousand eight hundred and eighty-two, which authorized the reciprocal crossing of the unpopulated and deserted portions of the international boundary-line by the regular Federal troops of the respective Governments, in pursuit of savage hostile Indians, is now extended for one year more, to be counted from the first of November, one thousand eight hundred and eighty-five to the first of November, one thousand eight hundred and eighty-six.

In testimony of which we have signed and interchanged, reciprocally, this Memorandum, in the City of Mexico, to day the sixteenth of October, one thousand eight hundred and eighty-five.

[SEAL.] HENRY R. JACKSON.
[SEAL.] IGN°. MARISCAL.

1885.[a]

ADDITIONAL ARTICLE TO THE CONVENTION OF JULY 29, 1882, PROVIDING FOR AN EXTENSION OF THE TIME FIXED IN ARTICLE VIII. OF SAID CONVENTION FOR RE-SURVEYING AND RE-LOCATING THE EXISTING FRONTIER LINE BETWEEN THE TWO COUNTRIES WEST OF THE RIO GRANDE.

Concluded December 5, 1885; ratification advised by the Senate with amendment June 21, 1886; ratified by the President of the United States June 23, 1887; ratifications exchanged at Washington June 27, 1887; proclaimed June 28, 1887.

ADDITIONAL ARTICLE TO THE CONVENTION CONCLUDED AT WASHINGTON THE TWENTY-NINTH OF JULY ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO.

The United States of America and the United States of Mexico being desirous to comply with the provisions of the Convention, signed at Washington on the twenty-ninth of July, one thousand eight hundred and eighty-two, to survey and re-locate the existing boundary line, between the two countries west of the Rio Grande, which so far as they relate to Article VIII. of said Convention, have not been carried out through delays in the appointment of the Commission to undertake the work have deemed it expedient to agree upon an extension of the time provided for in said article, and to this end they have appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State to the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article:

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[a] See pp. 1164, 1165, 1167, 1174, 1175, 1179, 1181, 1182, 1191, 1192.

ADDITIONAL ARTICLE.

The time fixed in Article VIII. of the Convention concluded at Washington, July 29, 1882, between the United States of America and the United States of Mexico, to establish an international boundary commission for the purpose of re-surveying and re-locating the existing boundary line between the two countries, west of the Rio Grande, as provided for in said Convention, is hereby extended for eighteen months from the expiration of the term fixed in Article VIII. of the said Treaty of July 29, 1882.

This additional Article shall be ratified by the contracting parties in conformity with their respective constitutions and its ratification shall be exchanged in Washington, as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present additional article in duplicate and have thereunto affixed our respective seals.

Done at the city of Washington, the 5th day of December, in the year of the Lord, one thousand eight hundred and eighty-five.

T. F. BAYARD. [SEAL.]
M. ROMERO. [SEAL.]

1886.

SUPPLEMENTAL ARTICLE TO THE COMMERCIAL CONVENTION CONCLUDED JANUARY 20, 1883, AND TO THE ADDITIONAL ARTICLE THERETO OF FEBRUARY 25, 1885.

Concluded at Washington May 14, 1886; ratification advised by the Senate January 7, 1887; ratified by the President of the United States January 24, 1887; ratifications exchanged January 29, 1887; proclaimed February 1st, 1887.

SUPPLEMENTARY ARTICLE TO THE COMMERCIAL CONVENTION CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO, JANUARY 20, 1883, AND TO THE ADDITIONAL ARTICLE CONCLUDED BETWEEN THE SAME HIGH PARTIES, FEBRUARY 25, 1885.

The United States of America and the United States of Mexico, deeming it expedient to further extend the time for the approval of the laws necessary to carry into operation the Commercial Convention concluded between the two Governments, signed at Washington, January 20, 1883, which time as fixed in Article VIII. of said convention was by the Additional Article signed February 25, 1885, extended until the 20th of May of the present year, have appointed as their Plenipotentiaries, *to wit:*

The President of the United States of America, Thomas Francis Bayard, Secretary of State of the United States of America, and the President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington; Who, after having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

SUPPLEMENTARY ARTICLE.

The time originally fixed in Article VIII. of the Commercial Convention between the United States of America and the United States

of Mexico, signed at Washington, January 20, 1883, for the approval of the laws necessary to carry it into operation, and which time was, by the additional article between the United States of America and the United States of Mexico signed February 25, 1885, extended to May 20, 1886, is hereby further extended to the 20th of May, 1887.

This Supplementary Article shall be ratified by the contracting parties in conformity with their respective Constitutions, and its ratifications shall be exchanged in Washington as soon as possible,—it being understood that such exchange of ratifications at any date prior to the 20th of May 1887, shall be effective for all the intents and purposes of the present Article.

In faith whereof, we, the undersigned Plenipotentiaries have signed the present Supplementary Article, in duplicate, in the English and Spanish languages, and have hereunto affixed our respective seals.

Done at the City of Washington the 14th day of May, in the year of our Lord one thousand eight hundred and eighty-six.

T. F. Bayard. [SEAL.]
M. Romero. [SEAL.]

1889.

CONVENTION TO REVIVE THE PROVISIONS OF THE CONVENTION OF JULY 29, 1882, TO SURVEY AND RELOCATE THE BOUNDARY LINE WEST OF THE RIO GRANDE AND TO EXTEND THE TIME FIXED IN ARTICLE VIII OF THE SAID CONVENTION.

Concluded February 18, 1889; ratification advised by the Senate March 26, 1889; ratified by the President April 30, 1889; ratifications exchanged October 12, 1889; proclaimed October 14, 1889.

ARTICLES.

I. Revival of convention. II. Extension of time.

Convention between the United States of America and the United States of Mexico, to revive the provisions of the Convention of July 29, 1882, to survey and relocate the existing boundary line between the two countries west of the Rio Grande, and to extend the time fixed in Article VIII of the said Convention for the completion of the work in question.

Whereas the provisions of the Convention between the United States of America and the United States of Mexico, signed at Washington on the twenty-ninth of July, one thousand eight hundred and eighty-two, to survey and relocate the existing boundary between the two countries west of the Rio Grande, so far as they relate to Article VIII of said Convention, have not been carried out through delays in the appointment of the Commission to undertake the work;

And whereas, by the Additional Article to the said Convention, signed at Washington, the fifth of December, one thousand eight hundred and eighty-five, the time fixed in Article VIII of the said Convention of July 29, 1882, was extended for a period of eighteen months from the expiration of the term stipulated in said Article VIII;

And whereas, the said additional period of time, as so extended, has expired without the appointment of the Commission in question, and the said Convention has accordingly ceased to be in force pursuant to the provisions of Article VIII thereof;

And whereas, it is the wish and understanding of the United States and Mexico that the provisions of the said Convention of July 29, 1882, shall be revived and continued in force and effect until the completion of the work for which it was originally negotiated, they have appointed for this purpose, their respective Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

In view of the fact that the original Convention of July 29, 1882, between the United States and Mexico, providing for the resurvey of their boundary line, has lapsed by reason of the failure of the two governments to provide for its further extension before the 3d day of January, 1889, as contemplated by the Additional Article to that Convention, of December 5, 1885, it is hereby mutually agreed and expressly understood by and between the contracting parties hereto, that the said Convention of July 29, 1882, and every article and clause thereof, are hereby revived and renewed as they stood prior to January 3, 1889.

ARTICLE II.

The time fixed in Article VIII of the Convention concluded at Washington, July 29, 1882, between the United States of America and the United States of Mexico, to establish an international boundary commission for the purpose of resurveying and relocating the existing boundary line between the two countries west of the Rio Grande, as provided for in said Convention, and which was extended for eighteen months from the expiration of the term fixed in Article VIII of the said Convention of July 29, 1882, is hereby further extended for a period of five years from the date of the exchange of ratifications hereof.

This Convention shall be ratified by the contracting parties in conformity with their respective constitutions and its ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present Convention, in duplicate, and have thereunto affixed our respective seals.

Done at the City of Washington, the 18th day of February, in the year of our Lord one thousand eight hundred and eighty-nine.

T. F. BAYARD. [SEAL.]
M. ROMERO. [SEAL.]

1889.[a]

Boundary Convention.

Concluded March 1, 1889; ratification advised by the Senate May 7, 1890; ratified by the President December 6, 1890; ratifications exchanged December 24, 1890; proclaimed December 26, 1890.

Articles.

I. International Boundary Commission authorized.
II. Composition.
III. Meetings of Commission.
IV. Duties.
V. Investigation of works on banks of Colorado and Rio Grande.
VI. Examinations.
VII. Jurisdiction.
VIII. Decisions.
IX. Ratification.

The United States of America and the United States of Mexico, desiring to facilitate the carrying out of the principles contained in the treaty of November 12, 1884, and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado river, in that portion thereof where they serve as a boundary between the two Republics, have resolved to conclude a treaty for the attainment of these objects, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

Article I.

All differences or questions that may arise on that portion of the frontier between the United States of America and the United States of Mexico where the Rio Grande and the Colorado rivers form the boundary line, whether such differences or questions grow out of alterations or changes in the bed of the aforesaid Rio Grande and that of the aforesaid Colorado River, or of works that may be constructed in said rivers, or of any other cause affecting the boundary line, shall be submitted for examination and decision to an International Boundary Commission, which shall have exclusive jurisdiction in the case of said differences or questions.

Article II.

The International Boundary Commission shall be composed of a Commissioner appointed by the President of the United States of America, and of another appointed by the President of the United States of Mexico, in accordance with the constitutional provisions of each country, of a Consulting Engineer, appointed in the same manner by each Government, and of such Secretaries and Interpreters

[a] See extensions, pp. 1174, 1175, 1179, 1181, 1182, 1191, 1192.

as either Government may see fit to add to its Commission. Each Government separately shall fix the salaries and emoluments of the members of its Commission.

ARTICLE III.

The International Boundary Commission shall not transact any business unless both Commissioners are present. It shall sit on the frontier of the two contracting countries, and shall establish itself at such places as it may determine upon; it shall, however, repair to places at which any of the difficulties or questions mentioned in this convention may arise, as soon as it shall have been duly notified thereof.

ARTICLE IV.

When, owing to natural causes, any change shall take place in the bed of the Rio Grande or in that of the Colorado River, in that portion thereof wherein those rivers form the boundary line between the two countries, which may affect the boundary line, notice of that fact shall be given by the proper local authorities on both sides to their respective Commissioners of the International Boundary Commission, on receiving which notice it shall be the duty of the said Commission to repair to the place where the change has taken place or the question has arisen, to make a personal examination of such change, to compare it with the bed of the river as it was before the change took place, as shown by the surveys, and to decide whether it has occurred through avulsion or erosion, for the effects of articles I and II of the convention of November 12, 1884; having done this, it shall make suitable annotations on the surveys of the boundary line.

ARTICLE V.

Whenever the local authorities on any point of the frontier between the United States of America and the United States of Mexico, in that portion in which the Rio Grande and the Colorado River form the boundary between the two countries, shall think that works are being constructed, in either of those rivers, such as are prohibited by article III of the convention of November 12, 1884, or by article VII of the treaty of Guadalupe Hidalgo of February 2, 1848, they shall so notify their respective Commissioners, in order that the latter may at once submit the matter to the International Boundary Commission, and that said Commission may proceed, in accordance with the provisions of the foregoing article, to examine the case, and that it may decide whether the work is among the number of those which are permitted, or of those which are prohibited by the stipulations of those treaties.

The Commission may provisionally suspend the construction of the works in question pending the investigation of the matter, and if it shall fail to agree on this point, the works shall be suspended, at the instance of one of the two Governments.

ARTICLE VI.

In either of these cases, the Commission shall make a personal examination of the matter which occasions the change, the question

or the complaint, and shall give its decision in regard to the same, in doing which it shall comply with the requirements established by a body of regulations to be prepared by the said Commission and approved by both Governments.

ARTICLE VII.

The International Boundary Commission shall have power to call for papers and information, and it shall be the duty of the authorities of each of the two countries to send it any papers that it may call for, relating to any boundary question in which it may have jurisdiction in pursuance of this convention.

The said Commission shall have power to summon any witnesses whose testimony it may think proper to take, and it shall be the duty of all persons thus summoned to appear before the same and to give their testimony, which shall be taken in accordance with such by-laws and regulations as may be adopted by the Commission and approved by both Governments. In case of the refusal of a witness to appear, he shall be compelled to do so, and to this end the Commission may make use of the same means that are used by the courts of the respective countries to compel the attendance of witnesses, in conformity with their respective laws.

ARTICLE VIII.

If both Commissioners shall agree to a decision, their judgment shall be considered binding upon both Governments, unless one of them shall disapprove it within one month reckoned from the day on which it shall have been pronounced. In the latter case, both Governments shall take cognizance of the matter, and shall decide it amicably, bearing constantly in mind the stipulation of Article XXI of the treaty of Guadalupe Hidalgo of February 2, 1848.

The same shall be the case when the Commissioners shall fail to agree concerning the point which occasions the question, the complaint or the change, in which case each Commissioner shall prepare a report, in writing, which he shall lay before his Government.

ARTICLE IX.

This convention shall be ratified by both parties, in accordance with the provisions of their respective constitutions, and the ratifications thereof shall be exchanged at Washington as speedily as possible—and shall be in force from the date of the exchange of ratifications for a period of five years.

In testimony whereof the undersigned Plenipotentiaries have signed and sealed it.

Done in duplicate, in the city of Washington, in the English and Spanish languages, on the 1st day of March one thousand eight hundred and eighty-nine.

T. F. BAYARD. [SEAL.]
M. ROMERO. [SEAL.]

1890.[a]

AGREEMENT BETWEEN JAMES G. BLAINE, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED MEXICAN STATES, CONCERNING RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE.

Signed at Washington, June 25, 1890.

Agreement entered into in behalf of their respective Governments, by James G. Blaine, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States, providing for the reciprocal crossing of the international boundary line by the troops of their respective governments, in pursuit of savage hostile Indians, under the conditions hereinafter stated.

ARTICLE I.

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of hostile savage Indians, upon the conditions stated in the following articles:

ARTICLE II.

It is understood for the purpose of this agreement, that no Indian scouts of the Government of the United States of America shall be allowed to cross the boundary line, unless they go as guides and trailers, unarmed, and not exceeding in any case, two scouts for each Company or each separate command.

ARTICLE III.

The reciprocal crossing agreed upon in Article I, shall only occur in the unpopulated or desert parts of said boundary line. For the purpose of this agreement the unpopulated or desert parts are defined to be all those points which are at least ten kilometers distant from any encampment or town of either country.

ARTICLE IV.

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

ARTICLE V.

The Commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he enters.

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[a] See protocols, pp. 1174, 1177.

ARTICLE VI.

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit, or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory, for any time longer than is necessary to make the pursuit of the band whose trail they follow.

ARTICLE VII.

The abuses which may be committed by the forces which cross into the territory of the other nation, shall be punished by the government to which the forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

ARTICLE VIII.

In the case of offences which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

ARTICLE IX.

This being a provisional agreement it shall remain in force until both governments negotiate a definite one, and may be terminated by either government upon four months notice to the other to that effect; but in no case shall this agreement remain in force for more than one year from this date.

ARTICLE X.

The Senate of the United Mexican States, having authorized the President to conclude the present agreement, it shall have its effect from this date.

In testimony whereof we have interchangeably signed this agreement this 25th day of June, 1890.

JAMES G. BLAINE [SEAL.]
M. ROMERO. [SEAL.]

1892.[a]

AGREEMENT BETWEEN C. A. DOUGHERTY, CHARGÉ D'AFFAIRES AD INTERIM OF THE UNITED STATES OF AMERICA, AND IGNACIO MARSICAL, SECRETARY OF FOREIGN AFFAIRS OF THE UNITED MEXICAN STATES, CONCERNING RIGHT TO PURSUE INDIANS ACROSS THE BOUNDARY LINE.

Signed at Mexico November 25, 1892.

RENEWAL OF AGREEMENT.

The undersigned, duly authorized thereto by their respective Governments,

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[a] See protocols, pp. 1174, 1177.

In view of the wish of the Government of the United States of America, manifested by its Honorable Secretary of State, under date of the 17th of the current month, through its Legation, to the Secretary of Foreign Affairs of Mexico, for a renewal of the agreement signed at Washington on the 25th of June 1890, to allow federal troops of each of the two countries to cross over to the territory of the other in pursuit of savage hostile indians, such renewal having become necessary by reason of the raids which according to advices from the War Department of the United States, are being committed by some Apaches headed by the indian called "Kid" along the dividing line between Arizona and New Mexico, it being feared that they seek to evade pursuit made by troops of the United States, by crossing the frontier of Mexico.

And, considering that the understanding between the two interested Governments to avoid the continuation of the evils consequent upon the uprising of the said indians is urgent.

They have agreed, in name and representation of their respective Governments, to renew the aforesaid agreement of June 25, 1890, of which a printed copy in English and Spanish is hereto attached, to the end that its effects may prevail for all such time as said uprising may last on the part of the Apache indians led by the ring-leader "Kid," and the necessity may exist for their pursuit by an armed force, provided that, in no case, may the duration of the agreement thus hereby renewed, be extended beyond one year from this date.

Done in two copies, signed and sealed in the city of Mexico, this twenty-fifth day of November, the year one thousand eight hundred and ninety-two.

[SEAL.] C. A. DOUGHERTY
[SEAL.] IGNO MARSICAL

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[a] [AGREEMENT, SIGNED AT WASHINGTON, JUNE 25, 1890.

Agreement entered into in behalf of their respective Governments, by James G. Blaine, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States, providing for the reciprocal crossing of the international boundary line by the troops of their respective governments, in pursuit of savage hostile Indians, under the conditions hereinafter stated.

ARTICLE I.

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of hostile savage Indians, upon the conditions stated in the following articles:

ARTICLE II.

It is understood for the purpose of this agreement, that no Indian scouts of the Government of the United States of America shall be allowed to cross the boundary line, unless they go as guides and trailers, unarmed, and not exceeding in any case, two scouts for each Company or each separate command.

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[a] Reprinted in State Department Print of Protocol of Nov. 25, 1892.

ARTICLE III.

The reciprocal crossing agreed upon in Article I, shall only occur in the unpopulated or desert parts of said boundary line. For the purpose of this agreement the unpopulated or desert parts are defined to be all those points which are at least ten kilometers distant from any encampment or town of either country.

ARTICLE IV.

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

ARTICLE V.

The Commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he enters.

ARTICLE VI.

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit, or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory, for any time longer than is necessary to make the pursuit of the band whose trail they follow.

ARTICLE VII.

The abuses which may be committed by the forces which cross into the territory of the other nation, shall be punished by the government to which the forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

ARTICLE VIII.

In the case of offences which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the government of said country shall only be responsible to the government of the other for denial of justice in the punishment of the guilty.

ARTICLE IX.

This being a provisional agreement it shall remain in force until both governments negotiate a definite one, and may be terminated by either government upon four months notice to the other to that effect; but in no case shall this agreement remain in force for more than one year from this date.

ARTICLE X.

The Senate of the United Mexican States, having authorized the President to conclude the present agreement, it shall have its effect from this date.

In testimony whereof we have interchangeably signed this agreement this 25th day of June, 1890.

JAMES G. BLAINE [SEAL.]
M. ROMERO [SEAL.]

1894.[a]

CONVENTION TO EXTEND FURTHER FOR TWO YEARS FROM OCTOBER 11, 1894, THE PERIOD FIXED BY ARTICLE VIII OF THE CONVENTION OF JULY 29, 1882, PROVIDING FOR AN INTERNATIONAL BOUNDARY SURVEY TO RELOCATE THE EXISTING FRONTIER LINE WEST OF THE RIO GRANDE.

Concluded at Washington, August 24, 1894; ratification advised by the Senate, August 27, 1894; ratified by the President of the United States, September 1, 1894; ratifications exchanged at Washington, October 11, 1894; proclaimed, October 18, 1894.

Whereas the United States of America and the United States of Mexico desire to comply fully with the provisions of the Convention concluded and signed at Washington, July 29, 1882, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande;

And whereas the time fixed by Article VIII of that Convention for the termination of the labors of the International Boundary Commission, as extended by Article II of the Convention concluded and signed between the two high contracting parties February 18, 1889, will expire October 11, 1894;

And whereas the two high contracting parties deem it expedient to agree upon a further extension of the time stipulated in Article II of the Convention aforesaid, to the end that the International Boundary Commission may be enabled to finish all its work and so render a report accompanied by a final map of the topography on both sides of the line, they have appointed for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States of America, and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following article:

ARTICLE I.

The period fixed by Article VIII of the aforesaid Convention of July 29, 1882, between the United States of America and the United States of Mexico, which was extended for five years from the date of

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[a] See pp. 1175, 1179, 1181, 1182, 1191, 1192.

the exchange of the ratifications of the Convention of February 18, 1889, between the same high contracting parties and which will terminate October 11, 1894, is hereby further extended for a period of two years from that date.

This Convention shall be ratified by the high contracting parties in conformity with their respective constitutions and its ratifications shall be exchanged in Washington, as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed this convention, in duplicate, in the English and Spanish languages and have thereunto affixed our respective seals.

Done at the City of Washington, the 24th day of August in the year one thousand eight hundred and ninety-four.

WALTER Q. GRESHAM [SEAL]
M. ROMERO. [SEAL]

1895.

BOUNDARY CONVENTION.

Concluded October 1, 1895; ratification advised by Senate December 17, 1895; ratified by the President December 20, 1895; ratifications exchanged December 21, 1895; proclaimed December 21, 1895.

Whereas the United States of America and the United States of Mexico desire to comply fully with the provisions of the Convention, concluded and signed at Washington, March 1, 1889, to facilitate the carrying out of the principles contained in the Convention of November 12, 1884, between the two High Contracting Parties, and to avoid the difficulties occasioned by reason of the changes which take place in the beds of the Rio Grande and Colorado river in that portion whereof where they serve as a boundary line between the two Republics;

And whereas the time fixed by Article IX of the Convention of March 1, 1889, will expire December 24, 1895:

And whereas the two High Contracting Parties deem it expedient to agree upon an extension of the time stipulated in Article IX aforesaid to the end that the International Boundary Commission may conclude the examination and decision of the cases submitted to it, they have appointed for this purpose their respective plenipotentiaries, to wit:

The President of the United States of America, Richard Olney, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico at Washington,

Who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon and concluded the following article:

ARTICLE.

The duration of the convention of March 1, 1889, between the United States of America and the United States of Mexico, which,

in virtue of the provisions of Article IX thereof, was to continue in force for a period of five years from the date of the exchange of its ratifications, and which will terminate Dec. 24, 1895, is hereby extended for the period of one year from that date.

This convention shall be ratified by the High Contracting Parties in conformity with their respective Constitutions, and its ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers have signed this convention, in duplicate, in the English and Spanish languages, and thereunto affixed our respective seals.

Done at the City of Washington this first day of October, in the year of our Lord, one thousand eight hundred and ninety five.

RICHARD OLNEY. [SEAL.]
M. ROMERO. [SEAL.]

1896.

COPYRIGHT.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the United States of Mexico the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, GROVER CLEVELAND, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the United States of Mexico.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-seventh day of February, one thousand eight hundred and ninety-six and of the Independence of the United States the one hundred and twentieth.

[SEAL.] GROVER CLEVELAND

By the President:

RICHARD OLNEY
Secretary of State.

1896.[a]

AGREEMENT BETWEEN RICHARD OLNEY, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED MEXICAN STATES, CONCERNING RIGHT TO PURSUE INDIANS ACROSS THE BOUNDARY LINE.

Signed at Washington June 4, 1896.

Agreement entered into in behalf of their respective Governments by Richard Olney, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States, providing for the reciprocal crossing of the international boundary line by the troops of their respective Governments, in pursuit of Kid's band of hostile Indians, on the conditions hereinafter stated.

ARTICLE I.

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries when they are in close pursuit of Kid's band of hostile Indians on the conditions stated in the following articles.

ARTICLE II.

It is understood for the purpose of this agreement, that no Indian scout of the Government of the United States of America shall be allowed to cross the boundary line, unless he goes as a guide and trailer, unarmed and with the proviso that, in no case, more than two scouts shall attend each company or detachment.

ARTICLE III.

The reciprocal crossing agreed upon in Article I shall only take place in the uninhabited or desert parts of said boundary line. For the purposes of this agreement the uninhabited or desert parts are defined to be all points that are at least ten kilometers distant from any encampment or town of either country.

ARTICLE IV.

No crossing of troops of either country shall take place from Capitán Leal, a town on the Mexican side of the Rio Grande, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

ARTICLE V.

The Commander of troops crossing the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he is about to enter.

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[a] See protocols, pp. 1145, 1157, 1158, 1162, 1170, 1174.

ARTICLE VI.

The pursuing force shall retire to its own territory as soon as it shall have chastised Kid's band of hostile Indians, or have lost its trail; but if, during the pursuit of that band, it shall meet with other hostile Indians, it may chastise them as if those first named were concerned. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to enable them to pursue the band whose trail they are following.

The temporary loss of the trail, owing to rain or any other accident, shall not be deemed sufficient cause for abandoning the pursuit or for withdrawing the pursuing force, when there is a reasonable prospect of soon finding the trail again by means of a continued movement.

ARTICLE VII.

Any abuses that may be committed by the forces crossing into the territory of the other nation, shall be punished by the Government to which such forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said Government being further under obligation to withdraw the guilty parties from the frontier.

ARTICLE VIII.

In the case of offences committed by the inhabitants of one country against the force of the other that may be within the limits of the former, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty parties.

ARTICLE IX.

This provisional agreement shall remain in force until Kid's band of hostile Indians shall be wholly exterminated or rendered obedient to one of the two Governments.

ARTICLE X.

The Senate of the United Mexican States having authorized the President to conclude this agreement, it shall take effect immediately.

In testimony whereof we have signed this agreement this 4th day of June, 1896.

RICHARD OLNEY
M. ROMERO.

1896.[a]

CONVENTION EXTENDING THE DURATION OF THE CONVENTION OF MARCH 1, 1889, CONCERNING THE WATER BOUNDARY BETWEEN THE TWO COUNTRIES.

Signed at Washington November 6, 1896; Ratification advised by the Senate December 10, 1896, ratified by the President of the United States December 15, 1896; ratifications exchanged at Washington December 23, 1896; proclaimed December 23, 1896.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884, and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by that of October 1, 1895, expires on the 24th of December, 1896;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective plenipotentiaries, to wit:

The President of the United States of America, Richard Olney, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

ARTICLE.

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which, according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, is extended by the present Convention for the period of one year counting from this latter date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

IN TESTIMONY WHEREOF, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington on the 6th day of November of the year one thousand eight hundred and ninety-six.

RICHARD OLNEY [SEAL]
M. ROMERO [SEAL]

[a] See pp. 1181, 1182, 1191, 1192.

1897.

Protocol Concerning Claims of Oberlander and Messenger.

Signed March 2, 1897.

Articles.

I. Submission to arbitrator.
II. Correspondence, proofs, etc.
III. Arguments.
IV. Decision.
V. Compensation to arbitrator.
VI. Finality of award.

Protocol of an agreement between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico for submission to an arbitrator of the claims of Charles Oberlander and Barbara M. Messenger.

The United States of America and the United States of Mexico, through their representatives, Richard Olney, Secretary of State of the United States of America, and Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, have agreed upon and signed the following protocol:—

Whereas the United States of America, on behalf of Charles Oberlander and Barbara M. Messenger, citizens of the United States of America, have claimed indemnity from the Government of Mexico for injuries alleged to have been done to the said Oberlander and Messenger by Mexican citizens, and whereas the United States of Mexico deny the allegations of fact upon which these claims are based and the right of the United States of America to demand indemnity for either of those parties,—it is therefore agreed between the two Governments, with the consent of the said Oberlander and Messenger, given through their respective attorneys of record.

I.

That the questions of law and of fact brought into issue between the two Governments in respect of these claims shall be referred to the decision of Señor Don Vicente G. Quesada, minister of the Argentine Republic at Madrid, who is hereby fully authorized thereto as arbitrator.

II

That each Government shall submit to the arbitrator, within three months from the day on which both Governments shall receive official notice from Señor Don Vicente G. Quesada that he accepts the office of arbitrator by permission of his Government, copies of the correspondence, documents and proofs which it has already submitted for the consideration of the other Government in respect of the two claims; and that the arbitrator in making his award shall take into consideration only such issues of law and fact as arise upon said correspondence, documents and proofs.

III.

That each Government may submit with the papers above described an argument setting forth its own views of the two cases; but the arbitrator shall not be authorized or required to hear oral arguments or to call for new evidence: unless, after examining the documents

submitted to him, he may deem it necessary to call for evidence or arguments elucidating a particular point not made clear to him.

IV

The arbitrator shall render his decision within six months from the date of the submission to him of the proofs, documents, etc., by both parties. He shall decide on the proofs and arguments submitted to him whether the said Oberlander or the said Messenger is or is not entitled to any indemnification on the part of the Government of Mexico, and in case he shall decide this point affirmatively with respect of both or either of the two claimants he will fix the amount of the indemnity to which each or either is entitled; *Provided*, that the indemnity shall not in either case exceed the sum demanded by each claimant in the papers submitted by each to the United States.

V

Reasonable compensation to the arbitrator, and the other common expenses occasioned by the arbitration shall be paid in equal moities by the two Governments.

VI

Any award made by the arbitrator shall be final and conclusive, and if in favor of the claimants or of either of them and of the contention of the United States of America, the amount so awarded be paid by the Government of Mexico as soon as appropriated by the Mexican Congress, but not later than two years from the date of such award.

Done in duplicate at Washington this 2nd day of March, 1897.

RICHARD OLNEY
M. ROMERO.

On the 19th day of November 1897 the Arbitrator rendered his award, in which he declared that the Government of the United States of Mexico is under no obligation to pay indemnity of any kind to Mr. Charles Oberlander or to Mrs. Barbara M. Messenger.

1897.[a]

CONVENTION EXTENDING FOR A PERIOD OF ONE YEAR FROM DECEMBER 24, 1897, THE DURATION OF THE CONVENTION BETWEEN THE TWO HIGH CONTRACTING PARTIES OF MARCH 1, 1889, CONCERNING THE WATER BOUNDARY BETWEEN THE TWO COUNTRIES.

Signed at Washington October 29, 1897; ratification advised by the Senate December 16, 1897; ratified by the President of the United States December 20, 1897; ratifications exchanged at Washington December 21, 1897; proclaimed December 21, 1897.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884, and to avoid the difficulties arising from the changes which are tak-

[a] See pp. 1182, 1191, 1192.

ing place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the conventions of October 1, 1895, and November 6, 1896, expires on the 24th of December, 1897;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, and that of November 6, 1896, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Sherman, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico in Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

ARTICLE.

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, and by the Convention of November 6, 1896, to December 24, 1897, is extended by the present Convention for the period of one year counting from this last date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the 29th day of October, of the year one thousand eight hundred and ninety-seven.

JOHN SHERMAN [SEAL]
M. ROMERO. [SEAL]

1898.[a]

CONVENTION EXTENDING FOR A PERIOD OF ONE YEAR FROM DECEMBER 24, 1898, THE DURATION OF THE CONVENTION OF MARCH 1, 1889, BETWEEN THE TWO HIGH CONTRACTING PARTIES CONCERNING THE WATER BOUNDARY BETWEEN THE TWO COUNTRIES.

Signed at Washington December 2, 1898; ratification advised by the Senate December 8, 1898; ratified by the President of the United States December 12, 1898; ratifications exchanged at Washington February 2, 1899; proclaimed February 3, 1899.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention

[a] See pp. 1191, 1192.

concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884, and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895, and November 6, 1896 and October 29, 1897, expires on the 24th of December, 1898;

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, that of November 6, 1896 and that of October 29, 1897, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the United States of Mexico, José F. Godoy, chargé d'affaires ad interim of the United States of Mexico at Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

ARTICLE.

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, by the Convention of November 6, 1896, to December 24, 1897, and by the Convention of October 29, 1897 to December 24, 1898, is extended by the present Convention for the period of one year counting from this last date.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the second day of December one thousand eight hundred and ninety-eight.

JOHN HAY [SEAL]
JOSÉ F. GODOY [SEAL]

1899.[a]

Extradition Treaty.

Concluded February 22, 1899; ratification advised by Senate March 2, 1899; ratified by President March 8, 1899; ratifications exchanged April 22, 1899; proclaimed April 24, 1899.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Nonextradition.
IV. Nondelivery of citizens.
V. Deferring extradition.
VI. Persons claimed by other countries.
VII. Political offenses.
VIII. Procedure.
IX. Frontier States.
X. Provisional detention.
XI. Officers of surrendering government.
XII. Prior offenses.
XIII. Trial; punishment; third country.
XIV. Expenses.
XV. Property found on fugitive.
XVI. Transit over territory of third country.
XVII. Crimes by citizens of one against other contracting power.
XVIII. Effect.
XIX. Duration; ratification.

The United States of America and the United States of Mexico having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses herienafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new convention for that purpose, and have appointed as their plenipotentiaries—

The President of the United States of America, Powell Clayton, Ambassador Extraordinary and Plenipotentiary, of said United States, at Mexico, and the President of the United States of Mexico, Don Ignacio Mariscal, Secretary of Foreign Relations, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States of America and the Government of the United States of Mexico mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territory of the other.

Article II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offenses:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide.
2. Rape.

[a] See supplementary extradition convention, p. 1193.

3. Bigamy.
4. Arson.
5. Crimes committed at sea:
(a) Piracy, as commonly known and defined by the laws of nations.
(b) Destruction or loss of a vessel, caused intentionally: or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel on the high seas.
(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.
6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.
7. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.
8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.
9. Forgery or the utterance of forged papers.
10. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.
11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the abovementioned objects.
12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.
13. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or depositories.
14. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws.
15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.
16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or from their families, or for any other unlawful end.
17. Mayhem and any other willful mutilation causing disability or death.
18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel or of public edifices and private dwellings, when the act committed shall endanger human life.
19. Obtaining by threats of injury, or by false devices, money, valuables or other personal property, and the purchase of the same

with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.

Article III

Extradition shall not take place in any of the following cases:

1. When the evidence of criminality presented by the demanding party would not justify, according to the laws of the place where the fugitive or person so charged shall be found, his or her apprehension and commitment for trial, if the crime or offense had been there committed.

2. When the crime or offense charged shall be of a purely political character.

3. When the legal proceedings or the enforcement of the penalty for the act committed by the person demanded has become barred by limitation according to the laws of the country to which the requisition is addressed.

4. When the extradition is demanded on account of a crime or offense for which the person demanded is undergoing or has undergone punishment in the country from which the extradition is demanded, or in case he or she shall have been prosecuted therein on the same charge and acquitted thereof; provided that, with the exception of the offenses included in clause 13 Article 2, of this convention, each contracting party agrees not to assume jurisdiction in the punishment of crimes committed exclusively within the territory of the other.

Article IV.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

Article V

If the person whose surrender may be claimed pursuant to the stipulations of the present convention shall have been accused or arrested for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: Acquittal; expiration of term of imprisonment; expiration of the period to which the sentence may have been commuted, or pardon.

ARTICLE VI

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminals shall be delivered up in preference in accordance with that demand which is the earliest in date.

ARTICLE VII

A person who has been surrendered on account of one of the crimes or offenses mentioned in article 2 shall in no case be prosecuted and punished in the country in which his or her extradition has been granted, on account of a political crime or offense committed by him or her previous to his or her extradition, or on account of an act connected with such a political crime or offense, unless he or she has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his or her punishment, or having been pardoned.

An attempt against the life of the head of the Government shall not be considered a political offense.

ARTICLE VIII

Requisitions for the surrender of fugitives from justice, under the present convention, shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or from its seat of government, they may be made by superior consular officers.

If a person whose extradition is asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he was convicted, authenticated under its seal, with attestation of the official character of the Judge by the proper executive authority, and of the latter by the minister or consul of the respective contracting party, shall accompany the requisition.

When, however, the fugitive shall have been merely charged with a crime or offense, a similarly authenticated and attested copy of the warrant for his arrest in the country where the crime or offense is charged to have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

Whenever, in the schedule of crimes and offenses of article 2nd, it is provided that surrender shall depend on the fact of the crime or offense charged being punishable by imprisonment or other corporal punishment according to the laws of both contracting parties, the party making the demand for extradition shall furnish, in addition to the documents above stipulated, an authenticated copy of the law of the demanding country defining the crime or offense, and prescribing a penalty therefor.

The formalities being fulfilled, the proper executive authority of the United States of America, or of the United Mexican States, as the case may be, shall then cause the apprehension of the fugitive, in order that he or she may be brought before the proper judicial authority for examination. If it should then be decided that, accord-

ing to the law and the evidence, the extradition is due pursuant to the terms of this convention, the fugitive may be given up according to the forms of law prescribed in such cases.

Article IX.

In the case of crimes or offenses committed or charged to have been committed in the frontier states or territories of the two contracting parties, requisitions may be made either, through their respective diplomatic or consular agents as aforesaid, or through the chief civil authority of the respective state or territory, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier states or territories, or when, from any cause, the civil authority of such state or territory shall be suspended, through the chief military officer in command of such state or territory, and such respective competent authority shall thereupon cause the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination; and the record of such examination, with the evidence, duly attested, shall be forwarded to the proper executive authority of the United States of America or of the United Mexican States, as the case may be; when it is found by such respective executive authority that, according to the law and the evidence, the extradition is due pursuant to the terms of this convention, the fugitive may be given up according to the forms of law prescribed in such cases.

Article X.

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding forty days, to await the production of the documents upon which the claim for extradition is founded.

Article XI.

In every case of a demand made by either of the two contracting parties for the arrest, detention, or extradition of fugitive criminals, in pursuance of the provisions of this convention, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the government demanding the extradition, before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government so giving assistance, who shall in the usual course of their duties be compensated by

specific fees for services performed in lieu of salary therefor, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

A person surrendered under this convention shall not be tried or punished in the country to which his or her extradition has been granted, nor given up to a third power, for a crime or offense not provided for by this convention and committed previous to his or her extradition, unless the consent of the surrendering government be given for such trial or such surrender to a third power.

But such consent shall not be necessary:

(a) When the accused shall have voluntarily requested to be so tried or surrendered to a third power.

(b) When he or she shall have been free to leave the country during thirty days after discharge from custody because of the charge on which he or she was surrendered, or if convicted thereof during thirty days after having satisfied his or her penalty or having been pardoned.

ARTICLE XIII.

A person surrendered under this convention may be tried and punished in the country to which his extradition has been granted, or may be given up to a third power, for any crime or offense provided for by article 2 of this convention, and committed previous to his extradition, besides that which gave rise to the extradition. Notice of the purpose to so try or surrender him, with specification of the crime or offense charged, shall be given to the government which surrendered him, which may, if it thinks proper, require the production of documentary evidence of the charge conformably to the prescription of article VIII hereof.

ARTICLE XIV.

The expense of the arrest, detention, and transportation of the person claimed shall be paid by the government in whose name the requisition has been made.

ARTICLE XV.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime or offense for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XVI.

A person surrendered to or delivered up by either of the contracting parties by virtue of a convention of extradition with a third

party and not being a citizen of the country of transit, may be conveyed in transit across the territory of the other, if the convenient course of travel from or to the country to which he has been surrendered shall lie in whole or part within such territory.

The contracting party delivering up or receiving such surrendered person shall make application for such purpose to the government of the country through which transit is desired, producing in support of such application a duly attested copy of the warrant of surrender issued by the government granting the extradition; and, thereupon, the proper executive authority of the country whose territory is to be so traversed may issue a warrant permitting the transit of the surrendered person transported. Such transit must be wholly accomplished within thirty days, counting from the date of the entrance of such transported person within the territory of the country of transit, after which time said person may be set at liberty if there found.

This article, shall not, however, take effect until the Congress of the respective countries shall by law authorize such transit, and the issue of a warrant therefor.

Article XVII.

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any one of the crimes or offenses mentioned in article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

Article XVIII.

The present convention shall take effect from the date of the exchange of ratifications, but its provisions shall be applied to all cases of crimes or offenses enumerated in article II which may have been committed since the 24th day of January, 1899.

Article XIX.

The convention shall continue in effect until six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified by both contracting parties, and its ratifications shall be exchanged at the City of Mexico as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention both in the English and Spanish languages and thereunto affixed their seals.

Done in duplicate at the City of Mexico this 22nd day of February, 1899.

Powell Clayton [seal]
Igno Mariscal [seal][a]

1899.[a]

BOUNDARY.

CONVENTION EXTENDING FOR A PERIOD OF ONE YEAR FROM DECEMBER 24, 1899, THE PROVISIONS OF THE CONVENTION OF MARCH 1, 1889, TO FACILITATE THE EXECUTION OF THE TREATY OF NOVEMBER 12, 1884, AND TO AVOID DIFFICULTIES ARISING FROM CHANGES IN THE BEDS OF THE DEL NORTE AND COLORADO RIVERS.

Signed at Washington December 22, 1899; ratification advised by the Senate February 8, 1900; ratified by the President February 14, 1900; ratifications exchanged May 5, 1900; proclaimed May 7, 1900.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884, and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895, November 6, 1896, October 29, 1897, and December 2, 1898, expires on the 24th of December, 1899.

And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, that of November 6, 1896, that of October 29, 1897 and that of December 2, 1898, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose, appointed their respective Plenipoteniaries, to wit:

The President of the United States of America, John Hay, Secretary of State for the United States of America; and

The President of the United States of Mexico, Manuel de Azpiroz, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

ARTICLE.

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, by the Convention of November 6, 1896, to December 24, 1897, by the Convention of October 29, 1897 to December 24, 1898, and by the Convention of December 2, 1898, to December 24, 1899, is extended by the present Convention for the period of one year counting from this last date.

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[a] See p. 1192.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington, on the twenty-second day of December one thousand eight hundred and ninety-nine

JOHN HAY [SEAL]
M. DE AZPÍROZ [SEAL]

1900.

WATER BOUNDARY CONVENTION.

Concluded November 21, 1900; ratification advised by Senate December 15, 1900; ratified by President December 24, 1900; ratifications exchanged December 24, 1900; proclaimed December 24, 1900.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November 1884, and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics;

And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895, November 6, 1896, October 29, 1897, December 2, 1898, and December 22, 1899, expires on the 24th of December, 1900;

And whereas the two High Contracting Parties deem it expedient to indefinitely continue the period fixed by Article IX of the Convention of March 1, 1889, and by the sole article of the Convention of October 1, 1895, that of November 6, 1896, that of October 29, 1897, that of December 2, 1898, and that of December 22, 1899, in order that the International Boundary Commission may be able to continue the examination and decision of the cases submitted to it, they have, for that purpose, appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the United States of Mexico, Manuel de Azpíroz, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Article:

ARTICLE.

The said Convention of March 1, 1889, as extended on the several dates above mentioned, and the Commission established thereunder shall continue in force and effect indefinitely, subject, however, to the right of either contracting party to dissolve the said Commission by giving six months' notice to the other; but such dissolution of the

Commission shall not prevent the two governments from thereafter agreeing to revive the said Commission, or to reconstitute the same according to the terms of the said Convention; and the said convention of March 1, 1889, as hereby continued, may be terminated twelve months after notice of a desire for its termination shall have been given in due form by one of the two contracting parties to the other.

This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals.

Done in the City of Washington on the 21st day of November, one thousand nine hundred.

JOHN HAY [SEAL.]
M. DE AZPÍROZ [SEAL.]

1902.

SUPPLEMENTARY EXTRADITION CONVENTION.

Concluded June 25, 1902; ratification advised by Senate March 11, 1903; ratified by President March 18, 1903; ratifications exchanged March 28, 1903; proclaimed April 3, 1903.

ARTICLE.

Extraditable offense; bribery.

The United States of America and the United States of Mexico being desirous to add the crime of bribery to the list of crimes or offenses on account of which extradition may be granted under the Convention concluded between the two countries on the 22nd day of February, 1899, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to-wit:

The President of the United States of America, Powell Clayton Ambassador Extraordinary and Plenipotentiary of said United States at Mexico, and

The President of the United States of Mexico, Don Ignacio Mariscal, Secretary of Foreign Relations.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

ARTICLE.

The following crime is added to the list of crimes or offenses numbered 1 to 20 in the second Article of the said Convention of February 22, 1899, on account of which extradition may be granted, that is to say:

Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

The present Convention shall be ratified and the ratifications shall be exchanged at the City of Mexico as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of February 22, 1899.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done in duplicate at the City of Mexico, in the English and Spanish languages, this twenty-fifth day of June one thousand nine hundred and two.

[SEAL.] POWELL CLAYTON
[SEAL.] IGNO. MARISCAL

1902.

PROTOCOL FOR THE ADJUSTMENT OF CERTAIN CONTENTIONS ARISING UNDER WHAT IS KNOWN AS THE "THE PIOUS FUND OF THE CALIFORNIAS."

Signed May 22, 1902.

ARTICLES.

I. Reference to special tribunal.
II. Special tribunal.
III. Procedure.
IV. Mutual rights to documents.
V. Oral testimony.
VI. Submission of claim.
VII. Submission of opposition to claim.
VIII. Additional evidence.
IX. Meeting.
X. Award; manner of payment.
XI. Admission of facts.
XII. Expenses.
XIII. Revision.

Whereas, under and by virtue of the provisions of a convention entered into between the High Contracting Parties above named, of date July 4, 1868, and subsequent conventions supplementary thereto, there was submitted to the Mixed Commission provided for by said Convention, a certain claim advanced by and on behalf of the prelates of the Roman Catholic Church of California against the Republic of Mexico for an annual interest upon a certain fund known as "The Pious Fund of the Californias," which interest was said to have accrued between February 2, 1848, the date of the signature of the Treaty of Guadalupe Hidalgo, and February 1, 1869, the date of the exchange of the ratifications of said Convention above referred to; and

Whereas, said Mixed Commission, after considering said claim, the same being designated as No. 493 upon its docket, and entitled Thaddeus Amat, Roman Catholic Bishop of Monterey, a corporation sole, and Joseph S. Alemany, Roman Catholic Bishop of San Francisco, a corporation sole, against The Republic of Mexico, adjudged the same adversely to the Republic of Mexico and in favor of said claimants, and made an award thereon of Nine Hundred and Four Thousand, Seven Hundred and 99/100 (904,700.99) Dollars; the same, as expressed in the findings of said Court, being for twenty-

one years' interest of the annual amount of Forty-three Thousand and Eighty and 99/100 (43,080.99) Dollars upon Seven Hundred and Eighteen Thousand and Sixteen and 50/100 (718,016.50) Dollars, said award being in Mexican gold dollars, and the said amount of Nine Hundred and Four Thousand, Seven Hundred and 99/100 (904,700.99) Dollars having been fully paid and discharged in accordance with the terms of said conventions; and

Whereas, the United States of America on behalf of said Roman Catholic Bishops, above named, and their successors in title and interest, have since such award claimed from Mexico further instalments of said interest, and have insisted that the said claim was conclusively established, and its amount fixed as against Mexico and in favor of said original claimants and their successors in title and interest under the said first mentioned convention of 1868 by force of the said award as *res judicata;* and have further contended that apart from such former award their claim against Mexico was just, both of which propositions are controverted and denied by the Republic of Mexico, and the High Contracting Parties hereto, animated by a strong desire that the dispute so arising may be amicably, satisfactorily and justly settled, have agreed to submit said controversy to the determination of Arbitrators, who shall, unless otherwise herein expressed, be controlled by the provisions of the International Convention for the pacific settlement of international disputes, commonly known as The Hague Convention, and which arbitration shall have power to determine:

1. If said claim, as a consequence of the former decision, is within the governing principle of res judicata; and,

2. If not, whether the same be just.

And to render such judgment or award as may be meet and proper under all the circumstances of the case.

It is therefore agreed by and between the United States of America, through their representative, John Hay, Secretary of State of the United States of America, and the Republic of Mexico, through its representative, Manuel de Azpiroz, Ambassador Extraordinary and Plenipotentiary to the United States of America for the Republic of Mexico as follows:

I.

That the said contentions be referred to the special tribunal hereinafter provided, for examination, determination and award.

II.

The special tribunal hereby constituted shall consist of four arbitrators, (two to be named by each of the High Contracting Parties) and an umpire to be selected in accordance with the provisions of the Hague Convention. The arbitrators to be named hereunder shall be signified by each of the High Contracting Parties to the other within sixty days after the date of this protocol. None of those so named shall be a native or citizen of the parties hereto. Judgment may be rendered by a majority of said court.

All vacancies occurring among the members of said court because of death, retirement or disability from any cause before a decision shall be reached, shall be filled in accordance with the method of

appointment of the member affected as provided by said Hague Convention, and if occurring after said court shall have first assembled, will authorize in the judgment of the court an extension of time for hearing or judgment, as the case may be, not exceeding thirty days.

III.

All pleadings, testimony, proofs, arguments of counsel and findings or awards of commissioners or umpire, filed before or arrived at by the Mixed Commission above referred to, are to be placed in evidence before the Court hereinbefore provided for, together with all correspondence between the two countries relating to the subject matter involved in this arbitration; originals or copies thereof duly certified by the Departments of State of the High Contracting Parties being presented to said new tribunal. Where printed books are referred to in evidence by either party, the party offering the same shall specify volume, edition and page of the portion desired to be read, and shall furnish the Court in print the extracts relied upon; their accuracy being attested by affidavit. If the original work is not already on file as a portion of the record of the former Mixed Commission, the book itself shall be placed at the disposal of the opposite party in the respective offices of the Secretary of State or of the Mexican Ambassador in Washington, as the case may be, thirty days before the meeting of the tribunal herein provided for.

IV.

Either party may demand from the other the discovery of any fact or of any document deemed to be or to contain material evidence for the party asking it; the document desired to be described with sufficient accuracy for identification, and the demanded discovery shall be made by delivering a statement of the fact or by depositing a copy of such document (certified by its lawful custodian, if it be a public document, and verified as such by the possessor, if a private one), and the opposite party shall be given the opportunity to examine the original in the City of Washington at the Department of State, or at the office of the Mexican Ambassador, as the case may be. If notice of the desired discovery be given too late to be answered ten days before the tribunal herein provided for shall sit for hearing, then the answer desired thereto shall be filed with or documents produced before the court herein provided for as speedily as possible.

V.

Any oral testimony additional to that in the record of the former arbitration may be taken by either party before any Judge, or Clerk of Court of Record, or any Notary Public, in the manner and with the precautions and conditions prescribed for that purpose in the rules of the Joint Commission of the United States of America, and the Republic of Mexico, as ordered and adopted by that tribunal August 10, 1869, and so far as the same may be applicable. The testimony when reduced to writing, signed by the witness, and authenticated by the officer before whom the same is taken, shall be sealed up, addressed to the court constituted hereby, and deposited so

sealed up in the Department of State of the United States, or in the Department of Foreign Relations of Mexico to be delivered to the Court herein provided for when the same shall convene.

VI.

Within sixty days from the date hereof the United States of America, through their agent or counsel, shall prepare and furnish to the Department of State aforesaid, a memorial in print of the origin and amount of their claim, accompanied by references to printed books, and to such portions of the proofs or parts of the record of the former arbitration, as they rely on in support of their claim, delivering copies of the same to the Embassy of the Republic of Mexico in Washington, for the use of the agent or counsel of Mexico.

VII.

Within forty days after the delivery thereof to the Mexican Embassy the agent or counsel for the Republic of Mexico shall deliver to the Department of State of the United States of America in the same manner and with like references a statement of its allegations and grounds of opposition to said claim.

VIII.

The provisions of paragraphs VI and VII shall not operate to prevent the agents or counsel for the parties hereto from relying at the hearing or submission upon any documentary or other evidence which may have become open to their investigation and examination at a period subsequent to the times provided for service of memorial and answer.

IX.

The first meeting of the arbitral court hereinbefore provided for shall take place for the selection of an umpire on September 1, 1902, at the Hague in the quarters which may be provided for such purpose by the International Bureau at the Hague, constituted by virtue of the Hague convention hereinbefore referred to, and for the commencement of its hearings September 15, 1902, is designated, or, if an umpire may not be selected by said date, then as soon as possible thereafter, and not later than October 15, 1902, at which time and place and at such other times as the court may set (and at Brussels if the court should determine not to sit at the Hague) explanations and arguments shall be heard or presented as the court may determine, and the cause be submitted. The submission of all arguments, statements of facts, and documents shall be concluded within thirty days after the time provided for the meeting of the court for hearing (unless the court shall order an extension of not to exceed thirty days) and its decision and award announced within thirty days after such conclusion, and certified copies thereof delivered to the agents or counsel of the respective parties and forwarded to the Secretary of State of the United States and the Mexican Ambassador at Washington, as well as filed with the Netherland Minister for Foreign Affairs.

X.

Should the decision and award of the tribunal be against the Republic of Mexico, the findings shall state the amount and in what currency the same shall be payable, and shall be for such amount as under the contentions and evidence may be just. Such final award, if any, shall be paid to the Secretary of State of the United States of America within eight months from the date of its making.

XI.

The agents and counsel for the respective parties may stipulate for the admission of any facts, and such stipulation, duly signed, shall be accepted as proof thereof.

XII.

Each of the parties hereto shall pay its own expenses, and one-half of the expenses of the arbitration, including the pay of the arbitrators; but such costs shall not constitute any part of the judgment.

XIII.

Revision shall be permitted as provided in Article LV of The Hague Convention, demand for revision being made within eight days after announcement of the award. Proofs upon such demand shall be submitted within ten days after revision be allowed (revision only being granted, if at all, within five days after demand therefor) and counterproofs within the following ten days, unless further time be granted by the Court. Arguments shall be submitted within ten days after the presentation of all proofs, and a judgment or award given within ten days thereafter. All provisions applicable to the original judgment or award shall apply as far as possible to the judgment or award on revision. *Provided* that all proceedings on revision shall be in the French language.

XIV.

The award ultimately given hereunder shall be final and conclusive as to the matters presented for consideration.

Done in duplicate in English and Spanish at Washington, this 22d day of May, A. D. 1902.

JOHN HAY [SEAL]
M. DE AZPIROZ [SEAL]

On October 14, 1902, the Tribunal of Arbitration, under the foregoing Protocol, rendered its award at The Hague, deciding:

That the Government of the Republic of Mexico must pay to the Government of the United States of America the sum $1,420,682.67, Mexican in money having legal currency in Mexico, within the period fixed by Article X of the protocol of Washington of May 22, 1902; that this sum of $1,420,682.67 will totally extinguish the annuities

accrued and not paid by the Government of the Mexican Republic,—that is to say the annuity of $43,050.99, Mexican, from February 2, 1869, to February 2, 1902; and that the Government of Mexico shall pay to the Government of the United States on February 2, 1903, and each following year on the same date perpetually the annuity of $43,050.99 Mexican.

1905.

CONVENTION FOR THE ELIMINATION OF THE BANCOS IN THE RIO GRANDE FROM THE EFFECTS OF ARTICLE II OF THE TREATY OF NOVEMBER 12, 1884.

Concluded March 20, 1905; ratifications advised by the Senate February 28, 1907; ratified by the President March 13, 1907; ratifications exchanged May 31, 1907; proclaimed June 5, 1907.

ARTICLES.

I. Elimination of "Bancos."
II. International commission.
III. Formation of future bancos.
IV. Reciprocal rights of citizens.
V. Ratification.

Whereas, for the purpose of obviating the difficulties arising from the application of Article V of the Treaty of Guadalupe-Hidalgo, dated February 2, 1848, and Article I of the Treaty of December 30, 1853, both concluded between the United States of America and Mexico—difficulties growing out of the frequent changes to which the beds of the Rio Grande and Colorado River are subject—there was signed in Washington on November 12, 1884, by the Plenipotentiaries of the United States and Mexico, a convention containing the following stipulations:

"ARTICLE I.—The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

"ARTICLE II.—Any other change, wrought by the force of the current whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits."

Whereas, as a result of the topographical labors of the Boundary Commission created by the Convention of March 1, 1889, it has been observed that there is a typical class of changes effected in the bed of the Rio Grande, in which, owing to slow and gradual erosion, coupled with avulsion, said river abandons its old channel and there

are separated from it small portions of land known as "bancos" bounded by the said old bed, and which, according to the terms of Article II of the aforementioned Convention of 1884, remain subject to the dominion and jurisdiction of the country from which they have been separated;

Whereas, said "bancos" are left at a distance from the new river bed, and, by reason of the successive deposits of alluvium, the old channel is becoming effaced, the land of said "bancos" becomes confused with the land of the "bancos" contiguous thereto, thus giving rise to difficulties and controversies, some of an international and others of a private character;

Whereas, the labors of the International Boundary Commission, undertaken with the object of fixing the boundary line with reference to the "bancos," have demonstrated that the application to these "bancos" of the principle established in Article II of the Convention of 1884 renders difficult the solution of the controversies mentioned, and, instead of simplifying, complicates the said boundary line between the two countries:

Therefore, the Governments of the United States of America and the United States of Mexico, being desirous to enter into a convention to establish more fitting rules for the solution of such difficulties, have appointed as their Plenipotentiaries—

That of the United States of America, Alvey A. Adee, Acting Secretary of State of the United States;

That of the United States of Mexico, its Ambassador Extraordinary and Plenipotentiary, Licenciado Don Manuel de Azpíroz;

Who, after exhibiting their full powers, found to be in good and due form, have agreed to the following articles:

Article I.

The fifty-eight (58) bancos surveyed and described in the report of the consulting engineers, dated May 30, 1898, to which reference is made in the record of proceedings of the International Boundary Commission, dated June 14, 1898, and which are drawn on fifty-four (54) maps on a scale of one to five thousand (1 to 5,000), and three index maps, signed by the Commissioners and by the Plenipotentiaries appointed by the convention, are hereby eliminated from the effects of Article II of the Treaty of November 12, 1884.

Within the part of the Rio Grande comprised between its mouth and its confluence with the San Juan River the boundary line between the two countries shall be the broken red line shown on the said maps—that is, it shall follow the deepest channel of the stream—and the dominion and jurisdiction of so many of the aforesaid fifty-eight (58) bancos as may remain on the right bank of the river shall pass to Mexico, and the dominion and jurisdiction of those of the said fifty-eight (58) bancos which may remain on the left bank shall pass to the United States of America.

Article II.

The International Commission shall, in the future, be guided by the principle of elimination of the bancos established in the fore-

going article, with regard to the labors concerning the boundary line throughout that part of the Rio Grande and the Colorado River which serves as a boundary between the two nations. There are hereby excepted from this provision the portions of land segregated by the change in the bed of the said rivers having an area of over two hundred and fifty (250) hectares, or a population of over two hundred (200) souls, and which shall not be considered as bancos for the purposes of this treaty and shall not be eliminated, the old bed of the river remaining, therefore, the boundary in such cases.

ARTICLE III.

With regard to the bancos which may be formed in future, as well as to those already formed but which are not yet surveyed, the Boundary Commission shall proceed to the places where they have been formed, for the purpose of duly applying Articles I and II of the present convention, and the proper maps shall be prepared in which the changes that have occurred shall be shown, in a manner similar to that employed in the preparation of the maps of the aforementioned fifty-eight (58) bancos.

As regards these bancos, as well as those already formed but not surveyed, and those that may be formed in future, the Commission shall mark on the ground, with suitable monuments, the bed abandoned by the river, so that the boundaries of the bancos shall be clearly defined.

On all separated land on which the successive alluvium deposits have caused to disappear those parts of the abandoned channel which are adjacent to the river, each of the extremities of said channel shall be united by means of a straight line to the nearest part of the bank of the same river.

ARTICLE IV.

The citizens of either of the two contracting countries who, by virtue of the stipulations of this convention, shall in future be located on the land of the other may remain thereon or remove at any time to whatever place may suit them, and either keep the property which they possess in said territory or dispose of it. Those who prefer to remain on the eliminated bancos may either preserve the title and rights of citizenship of the country to which the said bancos formerly belonged, or acquire the nationality of the country to which they will belong in the future.

Property of all kinds situated on the said bancos shall be inviolably respected, and its present owners, their heirs, and those who may subsequently acquire the property legally, shall enjoy as complete security with respect thereto as if it belonged to citizens of the country where it is situated.

ARTICLE V.

This convention shall be ratified by the two high contracting parties in accordance with their respective Constitutions, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, we, the undersigned, by virtue of our respective powers, have signed the present convention, both in the English and Spanish languages, and have thereunto affixed our seals.

Done in duplicate, at the City of Washington, this 20th day of March, one thousand nine hundred and five.

ALVEY A. ADEE [SEAL]
M. DE AZPÍROZ [SEAL]

1906.

CONVENTION PROVIDING FOR THE EQUITABLE DISTRIBUTION OF THE WATERS OF THE RIO GRANDE FOR IRRIGATION PURPOSES.

Concluded May 21, 1906; ratification advised by the Senate June 26, 1906; ratified by the President December 26, 1906; ratifications exchanged January 16, 1907; proclaimed January 16, 1907.

ARTICLES.

I. Delivery of waters to Mexico.
II. Distribution of the waters.
III. Cost of delivery and storing.
IV. Waiver of claims by Mexico.
V. Treaty not to constitute basis for claims.
VI. Ratification.

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a Convention for these purposes and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasús, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

After the completion of the proposed storage dam near Engle, New Mexico, and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

ARTICLE II.

The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the

said irrigation system to lands in the United States in the vicinity of El Paso, Texas, according to the following schedule, as nearly as may be possible:

	Acre-feet per month.	Corresponding cubic feet of water.
January	0	0
February	1,090	47,480,400
March	5,460	237,837,600
April	12,000	522,720,000
May	12,000	522,720,000
June	12,000	522,720,000
July	8,180	356,320,800
August	4,370	190,357,200
September	3,270	142,441,200
October	1,090	47,480,400
November	540	23,522,400
December	0	0
Total for the year	60,000 acre-feet	2,613,600,000 cubic feet

In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican Canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

ARTICLE III.

The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal.

ARTICLE IV.

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water, Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Texas, and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise, or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico, by reason of the diversion by citizens of the United States of waters of the Rio Grande.

ARTICLE V.

The United States, in entering into this treaty, does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of

any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Texas, and in no other case.

ARTICLE VI.

The present Convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the Convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the City of Washington, this 21st day of May, one thousand nine hundred and six.

ELIHU ROOT [SEAL.]
JOAQUIN D CASASUS [SEAL.]

1908.

ARBITRATION CONVENTION.

Signed at Washington, March 24, 1908; ratification advised by the Senate, April 2, 1908; ratified by the President, May 29, 1908; ratifications exchanged at Washington, June 27, 1908; proclaimed, June 29, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Treaty of Guadaloupe-Hidalgo.
IV. Ratification.
V. Duration.

The Government of the United States of America and the Government of Mexico, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th of July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following arrangement:

ARTICLE I.

Differences which may arise whether of a legal nature or relative to the interpretation of the treaties existing between the two contracting parties and which it may not have been possible to settle by

diplomacy, in case no other arbitration should have been agreed upon, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July 1899, provided that they do not affect the vital interests, the independence, or the honor of either of the contracting parties and do not prejudice the interests of a third party.

ARTICLE II.

In each individual case, the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements shall be made by the Presidents of both contracting countries by and with the advice and consent of their respective Senates.

ARTICLE III.

The foregoing stipulations in no wise annul, but on the contrary define, confirm and continue in effect the declarations and rules contained in Article XXI of the Treaty of peace, friendship and boundaries between the United States and Mexico signed at the city of Guadalupe Hidalgo on the second of February one thousand eight hundred and forty-eight.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of Mexico in accordance with its constitution and laws. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE V.

The present Convention is concluded for a period of five years dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, in the English and Spanish languages, this twenty-fourth day of March in the year 1908.

ELIHU ROOT [SEAL]
JOSÉ F. GODOY [SEAL]

MOROCCO.

1787.[a]

Treaty of Peace and Friendship.

Concluded January, 1787; ratified by the Continental Congress July 18, 1787.

Articles.

I. Imperial consent.
II. Commission from an enemy.
III. Captures.
IV. Passports.
V. Search.
VI. Captured Americans.
VII. Supplying vessels in port.
VIII. Vessels to repair.
IX. Shipwrecks.
X. Vessels in engagement.
XI. Navigation in war.
XII. Examination of ships of war.
XIII. Saluting ships of war.
XIV. Most favored nation.
XV. Privileges of merchants.
XVI. Exchange of prisoners.
XVII. Privileges of merchants.
XVIII. Examination of goods.
XIX. Detention of vessels.
XX. Disputes between Americans.
XXI. Crimes.
XXII. Estates of deceased citizens.
XXIII. Consuls.
XXIV. War.
XXV. Duration.

To all persons to whom these presents shall come or be made known:

Whereas the United States of America, in Congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his Majesty the Emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said Ministers Plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions of the said Ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers: And whereas we, the said John Adams and Thomas Jefferson, two of the said Ministers Plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams at London, October the fifth, one thousand seven hundred

[a] This treaty was superseded by the treaty of September 16, 1836. See General Act, Algeciras, p. 2157.

and eighty-five, and of the said Thomas Jefferson at Paris, October the eleventh of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give, and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America and His Majesty the Emperor of Morocco, which articles, written in the Arabic language, confirmed by His said Majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words, to wit:

[ROYAL SEAL.]

In the name of Almighty God.

This is a treaty of peace and friendship established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred, trusting in God it will remain permanent.

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ARTICLE IV.

A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ARTICLE V.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

ARTICLE VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ARTICLE VIII.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo, without paying any duty whatever.

ARTICLE IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ARTICLE X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

ARTICLE XI.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ARTICLE XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ARTICLE XIII.

If a ship of war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

ARTICLE XIV.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him.

ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ARTICLE XXII.

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will as soon as the Consul shall declare the validity thereof.

ARTICLE XXIII.

The Consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper; and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise, in writing, no application to him for any redress shall be made.

ARTICLE XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgences, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be entitled to them.

ARTICLE XXV.

This treaty shall continue in full force, with the help of God, for fifty years.

We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan,[a] in the year one thousand two hundred.

I certify that the annexed is a true copy of the translation made by Isaac Cardoza Nuñez, interpreter at Morocco, of the treaty between the Emperor of Morocco and the United States of America.

THOS. BARCLAY.

ADDITIONAL ARTICLE.

Grace to the only God.

I, the under-written, the servant of God, Taher Ben Abdelkack Tennish, do certify that His Imperial Majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to compleat it, and in addition of the tenth article of the treaty to declare, "That if any vessel belonging to the United States shall be in any of the ports of His Majesty's dominions, or within gunshot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or Christian Powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

And, in obedience to His Majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan, in the year one thousand two hundred.

The servant of the King, my master, whom God preserve.

TAHER BEN ABDELKACK TENNISH.

I do certify that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the Emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of His Majesty.

THOS. BARCLAY.

[a] The Ramadan of the year of the Hegira 1200, commenced on the 28th of June in the year of our Lord 1786.

Now, know ye, that we, the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively.

[SEAL.] JOHN ADAMS,
London, January 25th, 1787.

[SEAL.] THOM. JEFFERSON,
Paris, January 1st, 1787.

1836.

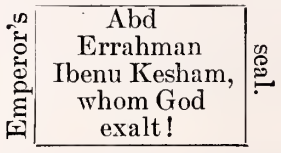
TREATY OF PEACE AND FRIENDSHIP.

Concluded September 16, 1836; ratification advised by the Senate January 17, 1837; ratified by the President January 28, 1837; proclaimed January 30, 1837.

ARTICLES.

I. Emperor's consent.
II. No service with an enemy.
III. Captures.
IV. Ships' passports.
V. Right of search.
VI. Release of captives.
VII. Supplies to vessels.
VIII. Repairs to vessels.
IX. Shipwrecks.
X. Protection of war ships.
XI. Immunities of ports.
XII. Freedom of war ships.
XIII. Salutes.
XIV. Most favored nation commerce.
XV. Privileges to merchants.
XVI. Exchange of prisoners.
XVII. Trade privileges.
XVIII. Examination of exports.
XIX. No detention, etc., of vessels.
XX. Consul to decide disputes in Morocco.
XXI. Trials of homicides and assaults.
XXII. Estates of deceased Americans.
XXIII. Consular privileges.
XXIV. Agreement in case of differences; most favored nation privileges.
XXV. Duration.

In the name of God, the Merciful and Clement!



PRAISE BE TO GOD!

This is the copy of the treaty of peace which we have made with the Americans, and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the City of Olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1836.)

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty five articles, shall be inserted in this book, and delivered to James R. Leib, Agent of the United States, and now their resident Consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ARTICLE IV.

A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ARTICLE V.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

ARTICLE VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ARTICLE VIII.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

ARTICLE IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

ARTICLE X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers, within gun-shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted until, by the help of God, they shall be sent to their country.

ARTICLE XI.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulations shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

ARTICLE XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

ARTICLE XIII.

If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

ARTICLE XIV.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored

nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged, one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper, and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul

shall decide between the parties; and whenever the Consul shall require any aid or assistance from our Government to enforce his decisions, it shall be immediately granted to him.

Article XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Article XXII.

If an American citizen shall die in our country and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

Article XXIII.

The Consul of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing no application to him for any redress shall be made.

Article XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain, notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties to dispose of their effects and retire with their property. And it is further declared that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them.

Article XXV.

This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other of an intention to abandon it; in which case its operations shall cease at the end of the twelve months.

CONSULATE OF THE UNITED STATES OF AMERICA
FOR THE EMPIRE OF MOROCCO.

To all whom it may concern.
Be it known.

Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident Consul at Tangier, having been duly appointed Commissioner by letters-patent, under the signature of the President and seal of the United States of North America, bearing date, at the city of Washington, the fourth day of July, A. D. 1835, for negotiating and concluding a treaty of peace and friendship between the United States of North America and the Empire of Morocco: I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing treaty and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof I have hereunto affixed my signature and the seal of this consulate, on the first day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

[SEAL.] JAMES R. LEIB.

1865.

CONVENTION AS TO CAPE SPARTEL LIGHT-HOUSE.

Concluded between the United States, Austria, Belgium, France, Great Britain, Italy, The Netherlands, Portugal, Spain, and Sweden and Norway, and Morocco, May 31, 1865; ratification advised by the Senate July 5, 1866; ratified by the President July 14, 1866; ratifications exchanged February 14, 1867; proclaimed March 12, 1867.

ARTICLES.

I. Administration of the light-house.
II. Expense of maintenance.
III. Protection.
IV. Management.
V. Duration.
VI. Regulations.
VII. Ratification.

In the name of the only God! There is no strength nor power but of God.

His Excellency the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of

common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit:

His Excellency the President of the Republic of the United States; Jesse Harland McMath, esquire, his Consul-General near his Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, his General Agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar of Tunis, his Consul-General for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom, Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the 3d class, officer of the Order of the Legion of Honor, her Minister Resident near His Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lion of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his Plenipotentiary near His Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, Agent and Consul-General of Italy near His Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, Acting Consul-General of the Netherlands in Morocco;

His Majesty the King of Portugal and the Algarves: José Daniel Colaço, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Selim d'Ehrenhoff, knight of the Order of Wasa, his Consul-General near His Majesty the Sultan of Morocco;

And His Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his Minister for Foreign Affairs—

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

His Majesty Scherifienne, having, in an interest of humanity, ordered the construction, at the expense of the Government of Morocco,

of a light-house at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

ARTICLE II.

The Government of Morocco not at this time having any marine either of war or commerce, the expenses necessary for upholding and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

ARTICLE III.

The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

ARTICLE IV.

The representatives of the contracting Powers, charged in virtue of Article I of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

ARTICLE V.

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

ARTICLE VI.

The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the forms and regulations established by the constitu-

tional laws of those of the high contracting Powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

Article VII.

The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five.

[SEAL.]	Jesse H. McMath.
[SEAL.]	J. H. Drummond Hay.
[SEAL.]	Ernest Daluin.
[SEAL.]	Francisco Merry y Colom.
[SEAL.]	Aymé D'Aquin.
[SEAL.]	J. H. Drummond Hay.
[SEAL.]	Alex're Verdinois.
[SEAL.]	J. H. Drummond Hay.
[SEAL.]	José Daniel Colaço.
[SEAL.]	S. D'Ehrenhoff.
[SEAL.]	[Signature of Sid Mohammed Bargash, in Arabic.]

1880.[a]

Convention as to Protection.[a]

Concluded between the United States, Germany, Austria, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Portugal and Sweden and Norway and Morocco, July 3, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 10, 1881; proclaimed December 21, 1881.

Articles.

I. Conditions of protection.
II. Employees of legations.
III. Consular employees.
IV. Diplomatic rights; suits; prosecutions.
V. Native consular agents.
VI. Extent of protection.
VII. Names to be furnished by legations.
VIII. Names to be furnished by consulates.
IX. Classes not protected.
X. Brokers.
XI. Property rights.
XII. Agricultural tax.
XIII. Gate tax.
XIV. Mediation of native employees.
XV. Naturalization.
XVI. Limitation of protection.
XVII. Most favored nation treatment.
XVIII. Ratification.

[Translation.]

His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the

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[a] The original convention submitted to the Senate and proclaimed by the President is in the French language, from which the translation here printed was made by the Department of State. See General Act, Algeciras, p. 2157.

Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Sweden and Norway;

Having recognized the necessity of establishing, on fixed and uniform bases, the exercise of the right of protection in Morocco, and of settling certain questions connected therewith, have appointed as their plenipotentiaries at the conference assembled for that purpose at Madrid, to wit:

His Excellency the President of the United States of America, General Lucius Fairchild, Envoy Extraordinary and Minister Plenipotentiary of the United States near his Catholic Majesty;

His Majesty the Emperor of Germany, King of Prussia, Count Eberhardt de Solms-Sonnewalde, Knight Commander of the first class of his Order of the Red Eagle with oak leaves, Knight of the Iron Cross, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Emperor of Austria, King of Hungary, Count Emanuel Ludolf, his Privy Councillor in actual service, Grand Cross of the Imperial Order of Leopold, Knight of the first class of the Order of the Iron Crown, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of the Belgians, Mr. Edward Anspach, Officer of his Order of Leopold, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near his Catholic Majesty;

His Majesty the King of Spain, Don Antonio Cánovas del Castillo, Knight of the distinguished Order of the Golden Fleece, etc., etc., President of his Council of Ministers;

His Excellency the President of the French Republic, Vice-Admiral Jaurès, Senator, Knight Commander of the Legion of Honor, etc., etc., Ambassador of the French Republic near His Catholic Majesty;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Lionel Sackville Sackville West, her Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty who is likewise authorized to represent His Majesty the King of Denmark;

His Majesty the King of Italy, Count Joseph Greppi, Grand Officer of the Order of Saint Maurice and Saint Lazarus, of that of the Crown of Italy, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Sultan of Morocco, the Taleb Sid Mohammed Vargas, his Minister of Foreign Affairs and Ambassador Extraordinary;

His Majesty the King of the Netherlands, Jonkheer Maurice de Heldewier, Commander of the Royal Order of the Lion of the Netherlands, Knight of the Order of the Oaken Crown of Luxemburg, etc., etc., his Minister Resident near His Catholic Majesty;

His Majesty the King of Portugal and the Algarves, Count de Casal Ribeiro, Peer of the Realm, Grand Cross of the Order of Christ, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of Sweden and Norway, Mr. Henry Akerman, Knight Commander of the first class of the Order of Wasa, etc., etc., his Minister Resident near His Catholic Majesty;

Who, in virtue of their full powers, recognized as being in good and due form, have agreed upon the following articles:

ARTICLE 1.

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that Government, France and other powers in 1863, with the modifications introduced by the present convention.

ARTICLE 2.

Foreign Representatives at the head of a Legation may select their interpreters and employees from among the subjects of Morocco or others.

These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

ARTICLE 3.

Consuls, Vice consuls or Consular Agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

ARTICLE 4.

If a Representative shall appoint a subject of the Sultan to the office of Consular Agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13; but he shall not have the right to protect any subjects of the Sultan other than the members of his own family.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in acting charge of Vice Consulates being subjects of the Sultan, shall, during the exercise of their functions, enjoy the same rights as Consular Agents who are subjects of the Sultan.

ARTICLE 5.

The Government of Morocco recognizes the right of Ministers, Chargés d'Affaires and other Representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their governments, unless such persons shall be sheiks or other employees of the Government of Morocco,

such as soldiers of the line or of the cavalry, excepting the Maghaznias appointed as their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution.

It is understood that civil suits commenced before protection, shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the Legation, Consulate or Consular Agency upon which the protected person is dependent.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was originally brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed.

ARTICLE 6.

Protection shall extend to the family of the person protected. His dwelling shall be respected.

It is understood that the family is to consist only of the wife, the children, and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the Benchimol family.

Nevertheless, if the Sultan of Morocco shall grant another exception, each of the contracting powers shall be entitled to claim a similar concession.

ARTICLE 7.

Foreign representatives shall inform the Sultan's Minister of Foreign Affairs, in writing, of any selections of an employee made by them.

They shall furnish annually to the said Minister a list of the names of the persons protected by them or by their Agents throughout the States of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

ARTICLE 8.

Consular officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the Minister of Foreign Affairs, to the end that, if it be not conformable to the regulations, the Representatives at Tangier may be informed of the fact.

A consular officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his Consulate.

ARTICLE 9.

Servants, farmers and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a Legation or Consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject of Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the diplomatic or consular authority under which he is shall be notified without delay.

ARTICLE 10.

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863, except what is stipulated, relative to taxes, in the following articles.

ARTICLE 11.

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the Minister of Foreign Affairs stipulated in the treaties.

ARTICLE 12.

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agricultural tax. They shall send to their Consul annually, an exact statement of what they possess delivering into his hands the amount of the tax.

He who shall make a false statement, shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date and apportionment of this tax shall form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

ARTICLE 13.

Foreigners, protected persons and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

The said tax shall not be increased without a new agreement with the Representatives of the Powers.

ARTICLE 14.

The mediation of interpreters, native secretaries or soldiers of the different Legations or Consulates, when persons who are not under the protection of the Legation or Consulate are concerned shall be admitted only when they are the bearers of a document signed by the head of a mission or by the consular authority.

ARTICLE 15.

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

ARTICLE 16.

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

Nevertheless, the exercise of the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign power, or for other altogether exceptional reasons.

The Minister of Foreign Affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the Government to which the service shall have been rendered.

The number of persons thus protected shall not exceed twelve for each power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

ARTICLE 17.

The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the powers represented at the Madrid conference.

ARTICLE 18.

This convention shall be ratified. The ratifications shall be exchanged at Tangier with as little delay as possible.

By exceptional consent of the high contracting parties the stipulations of this convention shall take effect on the day on which it is signed at Madrid.

In faith whereof the respective plenipotentiaries have signed this convention, and have thereunto affixed the seals of their arms.

Done at Madrid, in thirteen originals, the third day of July, one thousand eight hundred and eighty.

[SEAL.]	LUCIUS FAIRCHILD.
[SEAL.]	E. DE SOLMS.
[SEAL.]	E. LUDOLF.
[SEAL.]	ANSPACH.
[SEAL.]	A. CÁNOVAS DEL CASTILLO.
[SEAL.]	JAURÈS.
[SEAL.]	L. S. SACKVILLE WEST.
[SEAL.]	J. GREPPI.
[SEAL.]	MOHAMMED VARGAS. (In Arabic characters.)
[SEAL.]	HELDEWIER.
[SEAL.]	CASAL RIBIERO.
[SEAL.]	AKERMAN.

Regulations[a] *relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863, referred to in Article 10.*

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected.

It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of Brokers and interpreters for the post at Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

French protection is not extended to natives employed by French citizens in agricultural occupations.

Nevertheless, in consideration of the existing state of things, and by agreement with the authorities of Morocco, the benefit of the pro-

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[a] Translated from the French.

tection which has hitherto been granted to the persons referred to in the foregoing paragraph shall be extended to the said persons for two months from the first of September next.

It is, moreover, understood that agricultural laborers, herdsmen, or other native peasants, in the service of French citizens shall not be legally prosecuted without immediate information thereof being communicated to the competent consular officer, in order that the latter may protect the interests of his countrymen.

The list of all protected persons shall be delivered by the proper consulate to the competent magistrate of the place, who shall likewise be informed of any changes that may subsequently be made in the said list.

Each protected person shall be furnished with a card in French and in Arabic, mentioning his name and stating the services which secure this privilege to him.

All these cards shall be issued by the Legation of France at Tangier.

TANGIER, *Aug. 19, 1863.*

See agreements with Great Britain and Germany dated, respectively, December 6, 1899, and September 28, 1901, concerning trademarks in Morocco.

And also see the treaty of Algeciras.

International conventions, page 2157.

MUSCAT.[a]

1833.

Treaty of Amity and Commerce.

Concluded September 21, 1833; ratification advised by the Senate June 23, 1834; ratified by the President; ratifications exchanged September 30, 1835; proclaimed June 24, 1837.

This treaty was accepted by the Sultan of Zanzibar after the separation of that State from Muscat, and its Article III is amended by the treaty of June 5, 1903, between the United States and Great Britain, acting in the name of the Sultan of Zanzibar.

Articles.

I. Peace.
II. Freedom of trade.
III. Duties payable by American ships.
IV. Duties, licenses, and charges.
V. Shipwrecks.
VI. Exemption from tax on trade.
VII. Captures by pirates.
VIII. Shipping charges in the United States.
IX. Consular powers and immunities.
Ratification.

Article I.

There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, Sultan, and his dependencies.

Article II.

The citizens of the United States shall have free liberty to enter all the ports of His Majesty Seyed Syeed Bin, Sultan, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the Sultan, or his officers, on the articles to be sold by the merchants of the United States or the merchandise they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit; and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the Sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be

[a] See Zanzibar.

sold to the Government in the island of Zanzibar; but, in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

ARTICLE III.

Vessels of the United States entering any port within the Sultan's dominions shall pay no more than five per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever; nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported; nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of His Majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

ARTICLE IV.

The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favoured shall pay.

ARTICLE V.

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country, (for the Sultan can never receive any remuneration whatever for rendering succour to the distressed;) and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized agent.

ARTICLE VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty other than the general duties on imports which the most favoured nation shall pay.

ARTICLE VII.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

ARTICLE VIII.

Vessels belonging to the subjects of the Sultan which may resort to any port in the United States shall pay no other or higher rate of duties or other charges than the nation the most favoured shall pay.

ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property and their houses shall be inviolate. Should any Consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

Concluded, signed, and sealed at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, the twenty-first day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of the Allhajra (Hegira) one thousand two hundred and forty-nine.

[SEAL.] EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of the United States of America, and a resident of Portsmouth, in the State of New Hampshire, being duly appointed a Special Agent by letters-patent, under the signature of the President and seal of the United States of America, bearing date, at the city of Washington, the twenty-sixth day of January, anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty Seyed Syeed Bin, Sultan of Muscat:

Now, know ye, that I, Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of Allhajra (Hegira) one thousand two hundred and forty-nine.

EDMUND ROBERTS.

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